

# State Register

STATE OF MINNESOTA



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Instructional Materials for Students in Non-Public Schools

—Adopted Temporary Rules from the Department of Education

Compensation for Livestock Destroyed by Endangered Species

—Proposed Rules from the Department of Agriculture

Student Loan Program

—Proposed Rules from the Higher Education Coordinating Board

Individual Sewage Treatment Systems

—Proposed Rules from the Pollution Control Agency

Experimental Programs in Elementary and Middle Schools

—Public Opinion Sought by the Department of Education

Settlement Agreements

—Notice from the Department of Human Rights

VOLUME 2, NUMBER 13

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# RULES

## Department of Education Temporary Rules Governing Instructional Materials for Students Attending Non-Public Schools

The State Board of Education has proposed the following temporary rules in response to the United States District Court Order (*MCLU v Casmey*), directing that the Minnesota Department of Education shall adopt such temporary rules pursuant to Laws of 1977, ch. 443, § 2, subd. 5, as are necessary to incorporate the terms of that Order.

All interested persons are hereby afforded the opportunity to submit data and views for 20 days after publication of this Material in the *State Register* on the proposed temporary rules by writing to Catherine Stehly, Assistant to the Commissioner of Education or David Noennig, Consultant, Nonpublic Pupil Aid, Minnesota State Department of Education, 703 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Such publication is hereby ordered.

Any written material received by the agency shall become part of the hearing record in the final adoption of the temporary rule.

### Chapter Thirty-Seven: Instructional Materials for Pupils Attending Non-Public Schools

#### EDU 741 Instructional materials.

##### A. [Eligible instructional materials.]

[1.] The term shall be limited to ["textbooks," "school library and audiovisual materials," and "instructional supplies" as those terms or their equivalent are described or designated in the manual of instructions for uniform accounting for Minnesota schools districts.

a. Textbooks include elementary and secondary textbooks furnished free to public school pupils including supplementary textbooks, and dictionaries. Textbooks are primarily for use in certain classes or grades rather than for general school use.

b. School library and audiovisual materials, materials such as include school library books and pamphlets available for use by individual students; maps and globes for

individual use; periodicals and newspapers for individual use; audiovisual materials used in the instructional program such as films, filmstrips, recordings, exhibits, models, and television and radio teaching materials exclusive of equipment.

c. Instructional supplies are consumable items such as tests, chalk, paper, test tubes, ink, pencils, paint, paint brushes, crayons, chemicals, shop supplies for vocational education, oils, cleaners, instructional farming supplies, supplies for the operation of equipment used in the teaching-learning process, workbooks, physical education supplies, printing of individual materials, and magazines or periodicals for classroom use.]

any book or book substitute which a pupil uses as a text or text substitute in a particular class or program in the school he regularly attends. Which book or book substitute shall be limited to books, workbooks, or manuals, whether bound or in looseleaf form, intended for a given class or group of students, a copy of which is expected to be available for individual use of each pupil in such class or group. In addition, pupils attending nonpublic schools may be supplied with such standardized tests as are in use in the public schools of the state.

B. [2.] Instructional materials must be secular, neutral, and nonideological such [as the materials normally provided for pupils in public schools.] that material contained therein is not regarded as religious, spiritual, or sacred, and presents events, facts and theories that relate or pertain to religion or religious doctrine in an impartial manner.

[B. Ineligible instructional materials. Items such as unabridged dictionaries, encyclopedias, and other major reference works are classified as equipment and are therefore ineligible instructional materials.]

#### EDU 743 Local administration.

H. Prior to authorizing reimbursement to the local school districts, the Minnesota department of education shall require a certificate of compliance from the local school district that all materials have been reviewed prior to the expenditure of public funds and are in accordance with the limitations set forth in Edu 741.

I. The Minnesota department of education, prior to authorizing reimbursement, shall receive from the local school district a list of the materials actually purchased, which list will indicate the publisher of these materials.

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

# PROPOSED RULES

## Department of Agriculture Proposed Rules Governing Compensation for Livestock Destroyed by Endangered Species

### Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held in the Roseau City Auditorium, Roseau, Minnesota on November 3, 1977, commencing at 10:00 a.m., or as soon thereafter as possible, and in the Community Hall, Library Building, International Falls, Minnesota on November 3, 1977, commencing at 7:00 p.m., as soon thereafter as possible, and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Howard L. Kaibel, Jr., Office of Hearing Examiners, 1745 University Avenue, Room 300, Saint Paul, Minnesota 55104, phone (612) 296-8107 either before the hearing or after the hearing until the record is closed. The record will remain open for five working days after the public hearing ends or for a longer period not to exceed 20 days if ordered by the Hearing Examiner.

The proposed rules, if adopted, would establish rules to provide methods of valuation of livestock destroyed, criteria for determination of the cause for livestock loss, notice requirements by the owner of destroyed livestock, and any other matters necessary to carry out the provisions of Laws of 1977, ch. 450, §§ 4 and 5. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Agriculture, 420 State Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The department's authority to promulgate the proposed rules is contained in Laws of 1977, ch. 450, §§ 4 and 5. A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing, will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lob-

byst is generally any individual who spends more than \$250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250.00 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Bill Walker  
Commissioner of Agriculture

### Rules as Proposed

Chapter 24 3 MCAR 1.0583 through 3 MCAR 1.0585

#### 3 MCAR 1.0583 General.

**A. Purpose of authority.** The rules contained herein are prescribed pursuant to Laws of 1977, ch. 450, §§ 4 and 5 by the Commissioner of Agriculture to implement procedures to compensate livestock owners for livestock that is destroyed, or is crippled and must be destroyed, by an animal classified as endangered under the federal Endangered Species Act of 1973. The procedures specified in these rules are in addition to those set forth in the act itself.

**B. Definitions.** For purposes of these rules, the following definitions shall apply:

1. "The act" means Laws of 1977, ch. 450, §§ 4 and 5 as amended;

2. "Claim form" means the form provided by the commissioner to be completed by the County Extension Agent, the conservation officer and the livestock owner, containing information upon which payment for a loss shall be based.

3. "Commissioner" means the Commissioner of Agriculture or his authorized agent;

4. "Conservation officer" means a conservation officer of the Department of Natural Resources or his designee;

5. "County extension agent" means the University of Minnesota Agricultural Extension Service's County Extension Director or his designee for the county in which the loss occurred;

6. "Endangered species" means an animal classified as endangered under the federal Endangered Species Act of 1973;

## PROPOSED RULES

7. "Livestock" means cattle, sheep, swine, horses, mules, and goats;

8. "Livestock owner" means any person with an interest in livestock suspected of being destroyed, or crippled so that it must be destroyed, by an animal classified as endangered under the federal Endangered Species Act of 1973.

9. "Loss" means livestock destroyed, or crippled so that it must be destroyed, by an animal classified as endangered under the federal Endangered Species Act of 1973; and,

10. "Person" means any individual, firm, corporation, co-partnership, or association.

### 3 MCAR 1.0584 Reporting and investigation.

A. It shall be the responsibility of the livestock owner to notify either the conservation officer or the county extension agent of a suspected loss within two weeks of the effective date of these rules or within 24 hours of the discovery of a loss, whichever is later. The livestock owner shall provide all information required to investigate the loss to the conservation officer or the county extension agent. A telephone call or personal contact shall constitute notification.

B. The conservation officer or the county extension agent contacted by the livestock owner shall be responsible for completing claim forms provided by the Commissioner.

C. The conservation officer and the county extension agent shall secure from the livestock owner a signed statement setting forth:

a. All persons owning an interest in the livestock involved;

b. The existence and details of any insurance coverage on the livestock;

c. A statement that, in the owner's best judgment, the destroyed livestock was killed by an endangered species, and the facts underlying that judgment; and,

d. A description of the livestock owner's plan to dispose of the carcass, which must be approved by the conservation officer.

D. The conservation officer and the county extension agent shall investigate the loss in a timely manner and shall make a finding in writing regarding whether the livestock was destroyed or crippled by an endangered species. Such a finding shall be based upon physical and circumstantial evidence, including but not limited to:

1. The livestock carcass presence and condition;

2. Animal tracks;

3. The number and location of animal bites on the carcass;

4. The area of the state where the loss occurred;

5. Sightings of endangered species in the area; and,

6. Any other circumstances determined to be pertinent, by the conservation officer and the county extension agent.

The absence of any affirmative evidence shall be grounds for denial of a claim.

### 3 MCAR 1.0585 Payment.

A. Upon a finding by the conservation officer and the county extension agent that the loss did occur, the type of endangered species that caused the loss, and the livestock owner's eligibility for compensation under the act, the conservation officer and the county extension agent shall make a written finding of the actual fair market value of the destroyed livestock, not to exceed \$400 per animal, based upon but, not limited to:

1. The number of livestock determined by the conservation officer and the county extension agent in the loss;

2. The type of livestock;

3. The breed and breeding of the livestock;

4. The estimated size and weight of the livestock;

5. The estimated age of the livestock.

6. Registration of the livestock, upon proof of registration; and,

7. Selling price of livestock at the nearest public stockyard at the time of loss.

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

## PROPOSED RULES

**B. Upon completion and signing of the claim form, the county extension agent or the conservation officer shall submit said claim form to the commissioner for review and payment of the claim. The commissioner shall review the claim form for completeness and return any claim form not properly completed to the initiating authority and indicate the information necessary for proper completion. The commissioner shall return a copy of the properly completed claim form to the conservation officer and the county extension agent upon issuance of a payment to the livestock owner.**

**C. If insurance coverage exists on the livestock, the commissioner shall withhold payment under the act until the insurance claim has been paid, and evidence of payment has been submitted to the commissioner; at which time that insurance payment shall be deducted from the determined actual fair market value or \$400 per animal, whichever is less. In no case shall the payment exceed \$400 per animal.**

**D. Once insurance claims have been satisfied and the claim form has been determined to be complete, the commissioner shall make payment and return a copy of the claim form to the livestock owner(s), as their interests may appear.**

**E. The commissioner shall make only one payment for any single livestock loss.**

## Higher Education Coordinating Board Proposed Rules Governing Student Loans

### Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matters will be held pursuant to Minn. Stat. § 15.0412, subd. 4, in the State Office Building, Room 57 (ground floor), Wabasha Street, St. Paul, Minnesota on November 7, 1977, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have the opportunity to participate concerning the amendments to the existing rules and the adoption of the proposed new rules. Statements may be made orally and written materials may be submitted, whether or not an appearance is made at the hearings, by mail, to Steve Mihalchick, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone

(612) 296-8112, either before, during, or within 5 working days (or for a longer period not to exceed 20 calendar days if ordered by the Hearing Examiner) after the closing of the public hearing.

All persons have the right to be notified of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. All persons have the right to be informed of the date on which the hearing record has been submitted to the Attorney General by the Agency. If you desire to be so notified, you may do so by so indicating at the hearing or by written request sent to the Hearing Examiner prior to the close of the record.

Notice is hereby given that 25 days prior to the first hearing date, a Statement of Need and Summary of Evidence will be available for review at the Office of Hearing Examiners. Copies of this document will be available for review at the hearing.

Copies of the proposed amendments to the existing rules and the new rules are now available, and one free copy may be obtained by writing the Higher Education Coordinating Board, 901 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Copies will be available at the hearing.

Statutory authority to adopt the proposed amendments is contained in Minn. Stat. § 136A.111, subd. 2 and Minn. Stat. § 147.30-33, as amended. Statutory authority to adopt the newly proposed procedures relating to the Part-Time Student Grant Program is contained in Laws of 1977, ch. 384, § 17.

The proposed amendments to the State Scholarship and Grant-in-Aid Program procedures, if adopted, would clarify existing rules which have led to confusion; conform the rules to legislative changes; provide an expanded definition of residency for purposes of program participation; and eliminate the provisions relating to unusual financial difficulties awards.

The proposed amendments to the State Work-Study Program procedures, if adopted, would clarify existing rules which have led to confusion; conform the rules to legislative changes; clarify the allocation formula; and eliminate error in method of computing financial need.

The proposed amendments to the Loans to Medical and Osteopathy Students procedures, if adopted, would clarify existing rules which have led to confusion; and conform the rules to legislative changes.

The proposed amendments to the State Student Loan Program procedures, if adopted, would clarify existing rules which have led to confusion and conform the rules to

## PROPOSED RULES

changes in federal legislation relating to the Higher Education Act of 1965.

The proposed amendments to the Foreign Student Assistance Program, if adopted, would clarify existing rules which have led to confusion; conform the rules to legislative changes; and clarify the allocation formula.

The proposed rules relating to the Part-Time Student Grant Program, if adopted, would provide definition of eligible applicant; specify method for determination of recipients; provide the basis for and definition of the allocation method; clarify amount and term of awards; and provide for institutional accountability.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Clyde R. Ingle  
Executive Director

### Rules as Proposed

#### Chapter One: Scholarships and Grants-in-Aid

##### [HECB 101] **5 MCAR § 2.0101** Purpose.

The purpose of this chapter is to augment Minn. [Laws of 1975, ch. 433 and Minn. Stat. § 136A.09 through 136A.131 (1974), as amended by Laws of 1975, ch. 390,] **Stat. § 136A.09 et seq., as amended, (hereinafter "Statutes")**, establishing a state program of student scholarships and student grants-in-aid by providing standards, criteria, rules and regulations therefor.

[HECB 102] **5 MCAR § 2.0102** Definitions. The following terms shall have the meaning hereinafter ascribed to them.

A. "Eligible institution" shall be any post-secondary institution which has been determined by the Board **pursuant to standards set forth in Statutes** to qualify for attendance by a scholarship or grant recipient for any given academic year. Annually, by resolution, the Board shall adopt a list of such institutions so qualifying.

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

B. "Academic standards" as [required by Minn. Stat. § 136A.101, subd. 6 (1974)] **used to determine "Qualified Applicants", defined in Statutes** shall be the applicant's ranking in [his] **the applicant's** class based upon [his] **the applicant's** cumulative scholastic record in senior high school through the junior year as determined by [his] **the applicant's** secondary school administration in each local school district.

C. "Standards" as [required by Minn. Stat. § 136A.121, subd. 1 (4) (1974)] **used in Statutes to determine eligibility of applicants** shall be the ordered rank as determined by the applicant's high school rank converted to a percentile ranking at the end of six semesters or the junior year.

D. "Application date" shall be that date set each year by the Board by resolution by which all applications for [original] **initial** or renewal scholarships and grants-in-aid shall be filed. The application date **shall not be prior to February 15 of any given year**, and shall be at least 30 days following the date of the adoption of the list of eligible institutions.

E. "Educational costs" shall include tuition and required fees, room and board, books, and miscellaneous expenses.

[(e) "Eligible applicants" as defined by Minn. Stat. § 136A.121, subd. 1 and subd. 2 (1974) shall include those who will enter an eligible college or university as beginning first year students notwithstanding any previous post-secondary education but who were not enrolled as full-time students during the twelve months immediately preceding application for financial assistance under terms of Minn. Stat. §§ 136A.09 through 136A.131 (1974).]

[(f) "Transfer students" as defined Minn. Stat. § 136A.121 subd. 2 (3) (1974) shall include students who will have completed at least one academic year of study in an eligible junior college at the time of transfer to an eligible senior college or university.]

##### **5 MCAR § 2.0103** Definition of eligible applicants.

A. Applicants eligible for initial awards as provided for in Statutes shall include:

1. Those who will enter an eligible institution as beginning full-time, first-year students notwithstanding any previous post-secondary education.

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2. Those who will attend an eligible institution as full-time second-year students who did not receive a scholarship or grant-in-aid for their first year of post-secondary education.

3. Those students who will have completed at least one academic year of study in an eligible community or junior institution at the time of transfer to an eligible senior institution as full-time students and who have not previously received a scholarship or a grant-in-aid.

4. Those who will be enrolled full-time in an eligible institution in a nursing education program leading to licensure as a registered nurse or a licensed practical nurse, as defined in Minn. Stat. § 148.171 et seq. (1976).

**B. Applicants eligible for renewals as provided for in Statutes shall include those who have previously qualified for and been acknowledged by the eligible institution as having received a scholarship or grant-in-aid.**

[HECB 103] **5 MCAR § 2.0104** Determination of financial need. The determination of financial need shall take into account educational costs and shall be made by the American College Testing Program, Iowa City, Iowa, subject to the review and approval of the Board.

**5 MCAR § 2.0105** Determination of residency [and citizenship] requirements. Residency [and citizenship] requirements as prescribed in [Minn. Stat. § 136A.121, subd. 1 (1) and (2) (1974)] **Statutes**, shall be determined by the Board as provided herein and shall apply to the recipient's status as of the application date. [as defined herein.]

[(a) Applicants who are dependent upon parental or guardian's financial support shall be considered to be domiciled with parents or guardian and residency so determined.]

**A. Applicants who reside with, receive support from, or are claimed as tax exemptions by their parents or guardians in the years prior to, during, or following the academic year for which application is made shall be considered to be domiciled with such parents or guardian and a resident of the state where so domiciled.**

**B. Applicants who are adjudged to be independent of parental or guardian's financial support shall be considered as residents of the State of Minnesota for purposes of the Minnesota State Scholarship and Grant-in-Aid Programs provided that they have resided in the State of Minnesota for not less than twelve consecutive months immediately prior to the application date for purposes other than that of obtaining an education.**

**C. Applicants who are not citizens of the United States must be permanent residents of the United States.**

[HECB 105] **5 MCAR § 2.0106** Delegation of authority. The Executive Director to the Board is hereby delegated the authority and responsibility for issuance of public information, designing of application forms, prescribing of procedures for submission of application for scholarship and grant-in-aid, and for the selection of qualified recipients of scholarship and grant-in-aid benefits.

**A.** All scholarship candidates shall be ranked according to standards. [defined in HECB 102.] Stipends in amounts determined by the financial needs analysis [described in HECB 103] shall be assigned to candidates on the scholarship list in descending order of rank until available funds are exhausted.

**B.** All grant-in-aid candidates shall be ranked according to their available financial resources, or their ability to pay for necessary expenses incurred in pursuing full-time study at an eligible institution on the basis of information provided to the Board by the American College Testing Program. Stipends in amounts so determined by the financial needs analysis described in 5 MCAR § 2.0104 shall be assigned to candidates on the grant-in-aid list in ascending order of their available financial resources or their ability to pay for educational costs until available funds are exhausted.

**C.** The Executive Director shall periodically advise and report to the Board on the status of the student aid programs.

[HECB 106] **5 MCAR § 2.0107** Nature of scholarships and grants-in-aid.

**A. [Monetary scholarships] Financial stipends accompanying scholarship and grant-in-aid awards shall be those prescribed by [Minn. Stat. § 136A.121, subd. 3 (2) (1974), as amended by Laws of 1975, ch. 390.] Statutes, ranging from a minimum of \$100 to a maximum of \$1,100 but shall not exceed one-half of the applicant's demonstrated financial need. In those cases where the combination of the BEOG for which an applicant is eligible and the state scholarship or grant-in-aid for which the applicant is eligible exceeds 75% of the applicant's demonstrated financial need, the state scholarship or grant-in-aid shall be reduced so that the combination of the two awards does not exceed 75% of the applicant's demonstrated financial need. The state scholarship or grant-in-aid will be further reduced if additional gift assistance, in combination with the BEOG and state scholarship or grant-in-aid, exceeds 100% of the applicant's demonstrated financial need.**

**B.** Honorary scholarships shall be those granted to all applicants who have no financial need but rank equally with or above the last monetary scholarship recipient according to standards, [defined in HECB 102 (c)] or who have not requested a financial stipend but who otherwise have qualified.

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[(c) Grants in aid shall range from a minimum of \$100 to a maximum of \$1,100 but shall not exceed one half of the applicant's demonstrated financial need.]

[HECB 107] **5 MCAR § 2.0108** Method of payment.

A. After monetary scholarships and grants-in-aid have been determined, the Executive Director shall cause to be remitted to the eligible institution of the applicant's choice for the account of such recipient the amount so awarded. Each institution shall apply such designated amount to the recipient's educational costs in the order designated in [Minn. Stat. § 136A.121 subd. 3 (11) (1974), as amended by Laws of 1975, ch. 309,] **Statutes**, prorated for each school term of the academic year. The institution shall notify the recipient of such application of funds.

B. Any unused portion of a scholarship or grant-in-aid recipient's stipend shall be remitted or refunded by the institution to the Board's scholarship or grant-in-aid account, and such remitted funds shall be available for reassignment to other qualified candidates as defined herein.

C. Recipients of scholarships or grants-in-aid who change their choice of institution after a stipend has been offered, but prior to the opening of the fall term, shall have the amount of the stipend reduced in cases where such change causes the recipient's need to decrease. In cases where such change causes the recipient's need to increase, upward adjustment of the stipend shall be contingent on availability of funds.

D. Scholarships and grants-in-aid shall be awarded for full-time attendance at a specified institution for the academic year commencing with the fall term. A recipient of a scholarship or grant-in-aid stipend who ceases to be a full-time student at the institution for which the award was made shall forfeit the unused portion of the stipend.

E. Each institution shall maintain discrete accounts for scholarship and grant-in-aid funds and refunds or remittances to the Board shall be made by separate warrants for scholarships and grants-in-aid. Each institution shall provide such accounting information for each recipient as may from time to time be required by the Board.

[HECB 108 Unusual financial difficulties awards. Notwithstanding any other rule in this chapter, pursuant to Laws of 1975, ch. 433 § 10, each eligible institution may recommend to the Board students who did not receive an award for the first year of post-secondary education and who show evidence of unusual financial difficulties after the first

year. The Board shall make up to five percent of the monies allocated for first year grants-in-aid available for the purposes of this section. Each eligible institution shall be allowed to recommend to the Board of the number of students equivalent to five percent of the number of their first year grant-in-aid recipients for the previous academic year. Insofar as applicable, the conditions, criteria, terms, and amounts of awards made to students under this section shall be the same as prescribed for other recipients in the grant-in-aid program except that the application date prescribed in 5 MCAR § 2.0102 (d) shall not apply to potential recipients under this section.]

### Chapter Three: Work-Study Grants

[HECB 301] **5 MCAR § 2.0301** Purpose. The purpose of this chapter is to augment Minn. [Laws of 1975, ch. 433 and Minn. Stat. §§ 136A.231 through 136A.234 (1974), as amended by Laws of 1975, ch. 430,] **Stat. § 136A.231 et seq., as amended (hereinafter "Statutes")**, establishing a state program of Work-Study Grants by providing standards, criteria, rules and regulations therefore.

[HECB 302] **5 MCAR § 2.0302** Definitions. The following terms shall have the meaning hereinafter ascribed to them:

A. "Minnesota State Work-Study Program" is the state work-study program for post-secondary students as provided for in Minn. [Laws of 1975, ch. 433 and Minn. Stat. §§ 136A.231 through 136A.234 (1974), as amended by Laws of 1975, ch. 430,] **Stat.**, hereinafter referred to as the program.

B. "Executive Director" is the Executive Director of the Minnesota Higher Education Coordinating Board.

C. "Eligible student" means a Minnesota resident enrolled or intending to enroll full-time in a Minnesota **eligible** post-secondary institution.

D. "Eligible post-secondary institution" shall be any post-secondary institution eligible for participation in the Minnesota State Scholarship and Grant Program [pursuant to Laws of 1975, ch. 433 and Minn. Stat. §§ 136A.09 through 136A.131 (1974), as amended by Laws of 1975, ch. 390.] **as defined in Minn. Stat. § 136A.101.**

E. "Financial need" shall be the amount of monetary assistance necessary for the student to meet post-secondary education costs but in no event shall exceed an amount equal to the amount of loan on which the student would be eligible to receive interest benefits from the [Federal In-

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## PROPOSED RULES

sured] **Guaranteed Student Loan Program** as determined by the school of attendance.

F. "Eligible employer" means: [any eligible post-secondary institution and any non-profit, non-sectarian agency located in the State of Minnesota.]

1. any participating educational institution,
2. any non-profit, non-sectarian agency located in the State of Minnesota,
3. any handicapped person who has a physical or mental impairment which substantially limits one or more life activities and who could benefit from student assistance in or about the home residence, or
4. any person over 65 years of age who could benefit from student assistance in or about the home residence.

G. "School" shall mean the eligible post-secondary institution [of post-secondary education] in which the student is enrolled or intends to enroll.

H. "Full-time equivalent fall term enrollment" shall be that enrollment which is determined by the Board in its annual enrollment survey in the year prior to the academic year for which program funds are allocated.

I. "Allocation formula" shall be defined as the full-time equivalent fall term enrollment for each participating school divided by the full-time equivalent fall term enrollment for all participating schools, multiplied by current appropriations for the program as provided for by the Minnesota Legislature.

[HECB 303] **5 MCAR § 2.0303** Criteria for selection. [Each student shall apply to the school for participation in the program. The student must be an eligible student as defined in HECB 302 (3) and must be a full-time student as defined by the school.] **Each eligible student must apply to the school for participation in the program and must be a full-time student, as defined by the school, when selected for participation.** Students shall be selected for participation in the program by the school on the basis of student financial need. [as defined in HECB 302 (c).]

[HECB 304] **5 MCAR § 2.0304** Amount and terms of awards. The maximum a student may earn under this program shall be the amount of the student's financial need. [less all scholarship and grant dollars awarded to the student for that academic year.] Students will be paid for hours actually worked and the maximum hourly rate of pay shall not exceed the maximum hourly rate of pay permitted under the Federal College Work-Study Program. Minimum pay rates will be determined by applicable federal or state law.

[HECB 305] **5 MCAR § 2.0305** Allocation of funds. [Funds shall be allocated to participating schools according to procedures prescribed by the Executive Director. The allocation formula for the program shall be as follows:

The full-time equivalent fall-term enrollment for each participating school divided by the full-time equivalent fall term enrollment for all participating schools, times the appropriation as provided for by the Minnesota Legislature.]

A. Annually the Board shall notify eligible institutions of the funds available for allocation that year.

B. Upon receipt of notification by the Board, eligible institutions wishing to participate shall submit to the Board:

1. a written Request for Participation in the program for that year, and
2. an estimate of the amount of funds necessary at that institution to meet expected financial needs of eligible students.

C. Upon receipt of institutional Request for Participation the Board shall calculate each institution's allocation according to the allocation formula.

D. If the estimate of funds by each participating institution is less than the amount which would be allocated to that institution under the allocation formula, the Board shall allocate to the institution funds equal to the institution's estimate.

E. If the institution's estimate of need exceeds the allocation determined by the allocation formula, the Board shall allocate additional funds to the institution to utilize funds remaining from the earlier allocations to institutions whose estimates of need are less than the amount determined under the allocation formula.

[HECB 306] **5 MCAR § 2.0306** School responsibilities.

A. Each participating school shall be accountable for any funds disbursed to students under the provisions of the rules and regulations. [Not more than 50 percent of the institution's work-study allocation shall be used to employ students by the schools under the provisions of this program.] **At each participating school, if funds disbursed to students employed by eligible employers other than the participating institution are significantly less than such utilization at other participating institutions in the program, the Executive Director may require the institution to document its efforts to place these students under the program.** The percent of the school's work-study allocation provided to graduate students shall not exceed the percent-



## PROPOSED RULES

age of graduate students in the total enrollment at the participating school.

B. Any allocated funds shall be used only during the fiscal year of disbursement. [and any unused funds shall be remitted to the Board.] **During the year, funds which the school determines will not be used shall immediately be remitted to the Board for re-allocation to other schools.**

C. Student earnings shall be paid to the student according to Federal regulations governing the payment of earnings to students under the Federal Work-Study Program.

D. The school shall report to the Executive Director information on the program using the same formats and timetable the school uses to report activity under the Federal Work-Study Program to the U. S. Office of Education.

[HECB 307 **5 MCAR § 2.0307** Employer responsibilities.

A. Not less than 20 percent of the amount earned by the student under the state Work-Study Program shall be paid by the eligible employer. [The employer shall maintain appropriate pay and/or time records and shall certify to the school the student's pay rate and number of hours worked for the period of employment.]

B. **The school and the employer shall incorporate in the work contract provisions for pay and time records, payroll, and workers compensation. The school will verify that each student who works for a handicapped person or a person over 65 years of age is insured against liability while so employed.**

C. Time records shall be signed by both the student and the student's employment supervisor.

[HECB 308 **5 MCAR § 2.0308** Contracts and work agreements. Prior to a student's beginning work, the school and the eligible employer shall sign a written contract agreeing to abide by the regulations of the Minnesota State Work-Study Program and affirming the eligibility of the employer. For each student, the school and the employer shall sign a work agreement documenting the nature of the work, number of hours the student is to be employed, the rate of pay per hour, the percentage of the student's earnings to be paid by the employer, and the maximum payment to be paid by the employer.

All contracts and work agreements signed by schools and employers shall be subject to review and approval by the Executive Director.

[HECB 309] **5 MCAR § 2.0309** Supervision. The school with the employer shall develop a program of supervision for each work-study assignment which is consistent with the nature of the assignment and the needs of the individual student. A description of the program of supervision shall be filed with the Executive Director and shall be subject to review and approval.

[HECB 310] **5 MCAR § 2.0310** Delegation of authority. The Executive Director is hereby delegated necessary authority and responsibility for administration of the work-study awards in accordance with these rules, state law, and applicable federal laws and regulations, including issuing public information, prescribing application procedures, prescribing terms and conditions and agreements with eligible institutions and eligible employers, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota State Work-Study Program.

### Chapter Four: Loans to Medical and Osteopathy Students

[HECB 401] **5 MCAR § 2.0401** Purpose. The purpose of this chapter is to augment Minn. Stat. §§ 147.30 [147.33 (1974),] **et seq.**, as amended [by Laws of 1975, ch. 390] (**hereinafter "Statutes"**), establishing a state program of loans to medical and osteopathy students by providing standards, criteria, rules and regulations therefor:

[HECB 402] **5 MCAR § 2.0402** Definitions. The following terms shall have the meaning hereinafter ascribed to them:

A. "Accredited medical school" shall be any medical school accredited by the Liaison Committee on Medical Education, as founded by the American Medical Association and the Association of American Medical Colleges and as recognized by the United States Office of Education.

B. "Accredited school of osteopathy" shall be one whose graduates are eligible for licensure in Minnesota.

C. "Area in need of medical doctors or osteopaths" shall be a rural community in Minnesota where the health care needs of its residents are not fully met by available physicians and/or osteopaths. Annually, by resolution, the Board shall adopt a list of such areas based upon recommendations of the Minnesota State Board of Medical Examiners and other agencies concerned with planning health care of Minnesota residents.

D. ["Good standing of the student"] **"Student in good standing"** shall mean that the student is attending full-time

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## PROPOSED RULES

in an approved school of medicine or osteopathy and is making satisfactory progress toward completion of academic and internship requirements according to standards of the institution the student is attending.

E. "Eighteen months of each initial or renewal period of the loan" shall mean eighteen months times the number of years the student received funds from the program **up to a maximum of 5 years.**

F. "Service requirement" shall mean the number of months the student must practice in [a rural area of medical need] **an area in need of medical doctors or osteopaths** in order to satisfy the loan cancellation provisions of the program.

[HECB 403] **5 MCAR § 2.0403** Criteria for selection.

A. Priority will be given to applicants with financial need. The applicant's need for loan assistance provided by the terms of this act shall be determined by the Board which shall take into account educational costs and financial resources available to the student.

B. In selecting medical students priority shall be given to students enrolled in schools in Minnesota.

C. Once selected, program participants are eligible to borrow from the program each academic year until graduation from medical or osteopathy school.

[HECB 404] **5 MCAR § 2.0404** Delegation of authority. The Executive Director of the Board is hereby delegated the authority and responsibility for issuance of public information, designing of application forms, prescribing of procedures for submission of applications for loans and for the selection of qualified recipients of loans provided by the terms of this act.

A. Completed applications shall be reviewed, ranked, and forwarded by representatives of participating schools of medicine and osteopathy to the State Board of Medical Examiners.

B. The Board of Medical Examiners shall evaluate the respective qualifications of applicants and present its recommendations to the Board for its final review and approval.

[HECB 405] **5 MCAR § 2.0405** Amount and terms of loans.

A. The amount of a loan shall not exceed [\$5,000] **\$6,000** for any given academic year nor [\$20,000] **\$24,000** in total to any one student.

B. Each loan shall be evidenced by a promissory note

payable on demand to the State of Minnesota and such note shall bear interest at the rate of eight (8) percent per annum from the date of execution until paid or otherwise discharged in accordance with terms of this act.

[Each recipient of a loan provided under Laws of 1975, ch. 390, shall be required to agree in writing to practice medicine or osteopathy for a period not less than 18 months of each year the student received funds from the program, or five years, whichever is less, in a rural community in Minnesota designated by the Board as an area in need of medical doctors or osteopaths as defined in HECB 402 (c), and shall further agree that such practice shall begin not later than three (3) months after being certified as qualified to practice medicine or osteopathy in Minnesota except as otherwise provided in HECB 405 (d).]

**C. Each recipient of a loan provided under Statutes shall be required to agree in writing to practice medicine or osteopathy as follows:**

**1. If the recipient first received assistance from the program before July 1, 1975, the recipient must practice in an area in need of medical doctors or osteopaths for three (3) years.**

**2. Recipients receiving assistance from the program for the first time after July 1, 1975, must practice in an area in need of medical doctors or osteopaths for a period not less than 18 months for each year the student received funds from the program or for a period of 5 years, whichever is less.**

**D. Recipients who agree to practice in an area in need of medical doctors or osteopaths shall begin not later than three (3) months after being certified as qualified to practice medicine or osteopathy in Minnesota except as otherwise provided in 5 MCAR § 2.0405 (e).**

[(d)] E. After the recipient of a loan provided by this act has been certified by the State Board of Medical Examiners as qualified to practice medicine or osteopathy in Minnesota, he may, upon proper application to the Board, be granted deferment of his obligation for a period not exceeding four (4) years for the purpose of advanced specialized study or for service in the armed forces of the United States.

[(e)] F. The recipient of a loan provided by terms of this act shall be considered to have discharged the full amount of his obligation, both principal and interest of loans, upon certification of satisfactory completion of required medical practice as defined in 5 MCAR § 2.0405 (c).

[(f)] G. If the recipient of a loan provided by this act fails to fulfill his agreement to practice medicine or osteopathy as set forth in 5 MCAR § 2.0405 (c) the full amount of his loan

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obligations, both principal and interest, shall become due and payable upon demand.

[HECB 406] **5 MCAR § 2.0406** Method of payment.

A. Upon approval of a loan under terms of this act and after the promissory note and service agreement have been executed in accordance with requirements set forth in **5 MCAR § 2.0405 (b) and (c)**, respectively, the Executive Director of the Board shall cause to be remitted to the loan recipient the principal amount of the loan.

B. Pursuant to terms of this act, a loan may be granted for full-time attendance at an approved school of medicine or osteopathy for a specified academic term. A recipient of a loan obtained under provisions of this act who ceases to be a full-time student, **in good standing**, at an approved school of medicine or osteopathy for any reason shall be required to repay to the Board the entire amount of his loan obligations, both principal and interest, upon demand.

[HECB 407] **5 MCAR § 2.0407** Reserve fund. The Board shall be required to maintain a reserve fund. Loan obligations forgiven in accordance with **5 MCAR § 2.0405 [(e)] (f)** and any uncollectible loans made in accordance with the terms of this act shall be charged to the reserve fund and the loan fund credited for the amount so charged.

### Chapter Five: Minnesota State Student Loan Program

[HECB 501] **5 MCAR § 2.0501** Purpose. The purpose of this chapter is to augment Minn. [Laws of 1973, ch. 605, §§ 1-10,] **Stat. §§ 136A.14-143, 136A.15 et seq., as amended, (hereinafter "Statutes")**, establishing a state program of loans to post-secondary students by providing standards, criteria, rules and regulations therefor.

[HECB 502] **5 MCAR § 2.0502** Definitions. The following terms shall have the meaning hereinafter ascribed to them:

A. "Minnesota State Student Loan Program" is the state program of loans to post-secondary students as [defined in Laws of 1973, ch. 605, §§ 1-10,] **provided for in Statutes**, hereinafter referred to as the Program.

B. "Executive Director" is the Executive Director of the Minnesota Higher Education Coordinating Board.

C. "Higher Education Act of 1965" is the title given to Title IV, Part B, of Public Law 89-329, as amended [(20 U.S.C. 1071 et seq.)].

D. "[Federal Insured] **Guaranteed Student Loan Program**" shall refer to that student guaranteed loan program created by the Higher Education Act of 1965, as amended.

E. "Eligible institution" as [defined in Laws of 1973, ch. 605,] **referred to in Statutes**, shall be any public educational institution or any private educational institution, in any state, which is approved by the U.S. Commissioner of Education in accordance with requirements set forth in the Higher Education Act of 1965, as amended.

F. "Eligible student" as defined in [Laws of 1973, ch. 605,] **Statutes**, shall be any person who is officially registered or accepted for enrollment at an eligible institution in Minnesota or a Minnesota resident who is officially registered as a student or accepted for enrollment at an eligible institution in another state and who meets criteria for student eligibility for the [Federal Insured] **Guaranteed Student Loan Program**.

G. "Minnesota resident" shall be defined as a person who either:

1. is dependent upon the financial support of parents or guardians who reside in and are legal residents of the State of Minnesota at the time of application for a loan, or

2. is independent of parental or guardian's financial support and has resided in Minnesota for not less than twelve consecutive months immediately prior to application for a loan.

H. "School period" shall mean that period between the beginning and ending dates of that block of academic enrollment for which the loan funds will be used.

[HECB 503] **5 MCAR § 2.0503** Criteria for approving borrowers.

A. Loans may be approved for students who satisfy the requirements as defined in **5 MCAR § 2.0502 (f)**, **5 MCAR § 2.0503 (b) and (c)**.

B. Eligible students who are not Minnesota residents as defined in **5 MCAR § 2.0502** and who have previously obtained an insured student loan from a lender in another state may be required to submit documentation that they have been unsuccessful in obtaining further loans through that loan program before they may receive approval to borrow under terms of the Program.

C. Students who are not Minnesota residents as defined in **5 MCAR § 2.0502 (g)** shall be [required to be] **not be**

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## PROPOSED RULES

**eligible for a loan unless** domiciled in Minnesota for the school period for which the loan is approved.

[HECB 504] **5 MCAR § 2.0504** Amount and terms of loans.

A. The maximum loan for any school period and aggregate outstanding principal balance of insured student loans shall be those maximums as prescribed by the Higher Education Act of 1965, as amended.

B. No individual student loan or transaction for which a separate promissory note is required shall be made in an amount less than the minimum amount to be established by majority vote of the Board at an official public meeting of the Board.

C. Each loan shall be evidenced by a promissory note and shall bear interest at a rate designated by the Executive Director not to exceed the maximum rate prescribed by the Higher Education Act of 1965, as amended.

D. Terms and conditions for repayment of loans shall be established by the Executive Director in accordance with provisions of the [Federal Insured] **Guaranteed Student Loan Program**.

E. A loan shall not be approved for any school period in excess of one academic year as [defined] **required** by [federal regulations.] **the Higher Education Assistance Foundation**.

[HECB 505] **5 MCAR § 2.0505** Disbursement of funds.

A. The principal amount of an approved loan shall be made payable to the student borrower.

B. The payment shall be sent to a designated school official as defined in 5 MCAR § 2.0506 (b) for delivery to the student.

C. No payment to the student borrower shall be made prior to twenty-one days before the beginning of the school period for which the loan is made.

D. No payment of loan principal to the student borrower shall be made for a school period after that school period has expired.

E. If, after disbursement, a student borrower does not attend school for the intended school period, the loan shall be declared immediately due and payable.

[HECB 506] **5 MCAR § 2.0506** Eligible institution responsibilities.

A. Each eligible institution shall be required to execute

an agreement with the Executive Director prior to the approval of a loan to a student attending that institution. The agreement shall stipulate the institution's responsibilities as prescribed by the Executive Director and shall include, but need not be limited to, those responsibilities described in **5 MCAR § 2.0506 (b), (c), (d), (e), (f), (g), and (H)**.

B. The institution shall designate one school official who shall serve as the institutional representative for purposes defined in the agreement.

C. The institutional representative shall cause to be completed and shall certify the institutional section of each student loan application under the Program.

D. The institutional representative shall assist the Board by providing loan counseling to students under the Program.

E. The institutional representative shall assist the Board in advising each student of his or her obligations and responsibilities when accepting a loan under the Program.

F. The institutional representative shall transmit loan disbursements from the Program to the student borrowers.

G. The institutional representative shall promptly notify the Executive Director when a student borrower discontinues at least half-time enrollment at that institution.

H. The Executive Director may terminate an agreement with an institution when, in the judgment of the Executive Director, continuation of the agreement is not in the best interest of the program.

[HECB 507] **5 MCAR § 2.0507** Delegation of authority. The Executive Director is hereby delegated necessary authority and responsibility for administration of student loans in accordance with these rules, state law, and applicable federal laws and regulations, including issuing public information, designing related forms, prescribing application procedures, prescribing procedures and terms for collection and repayment of loans, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota State Student Loan Program.

Chapter Six: Minnesota Foreign Student Assistance Program

[HECB 601] **5 MCAR § 2.0601** Purpose. The purpose of the chapter is to augment Minn. [Laws of 1974, ch. 492 §§ 1-5,] **Stat. § 136A.143 et seq., as amended hereinafter "Statutes"**, establishing a state program of financial assistance to post-secondary students by providing standards, criteria, rules and regulations therefor.

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[HECB 602] **5 MCAR § 2.0602** Definitions. The following terms shall have the meaning hereinafter ascribed to them:

A. "Minnesota Foreign Student Assistance Program" is the state program of financial assistance to post-secondary foreign students as [defined] **provided for** in [Laws of 1974, ch. 492, §§ 1-5,] **Statutes**, hereinafter referred to as the Program.

B. "Executive Director" is the Executive Director of the Minnesota Higher Education Coordinating Board.

C. "Eligible institution" [as defined in Laws of 1974, ch. 492,] shall be any public or private institution of higher education in Minnesota which is eligible for the state grant-in-aid program as defined in Minn. Stat., ch. 136A,] **§ 136A.101, subd. 4 and 5 MCAR § 2.0102 (a)** and which has foreign students enrolled.

D. "Foreign student" shall be defined as a person who possesses a student visa as established by the U.S. Immigration and Naturalization Service.

E. "Resident status" shall be defined as that status assigned to a student by a public institution for the purpose of paying in-state tuition fees.

F. "Full-time equivalent fall term enrollment" shall be defined as that enrollment which is determined by the Board in its annual enrollment survey in the year prior to the academic year for which Program funds are allocated.

G. "Total cost of education" shall be defined as the institutional budget established for the state grant-in-aid program adjusted to include out-of-state tuition fee.

H. "Total student resources" shall be defined as the sum of the family contribution, student income, other financial aid received, any and all other resources which are available to the student to pay for the cost of education.

I. "Financial need" shall be defined as the difference between the total cost of education [as defined in HECB 602 (g)] which is paid by the student and the total **student** resources [as defined in HECB 602 (h)] available to the student to meet that cost.

J. "Unexpected financial needs" shall be defined as those needs which any reasonable person could not anticipate and plan for by reading standard printed cost quotations in various institutional publications or any unanticipated loss of resources.

K. "Student family" shall be defined as the student, the student's spouse, the student's dependents, the student's parents, the student's brothers and sisters, or any other legal relative of the student.

L. "Participating institution" shall be defined as any eligible institution [as defined in HECB 602 (e) which formally applies for funds in accordance with procedures prescribed by the Executive Director.] **which applies for participation in the Program in accordance with the procedures prescribed in 5 MCAR § 2.0605.**

M. "Allocation Formula" shall be defined as the **full-time equivalent fall term enrollment for each participating institution multiplied by the cost of education divided by the sum of the products for all participating institutions times the appropriation as provided for by the Minnesota Legislature.**

[HECB 603] **5 MCAR § 2.0603** Criteria for determining student recipients.

A. Resident status may be authorized [as defined in HECB 602 (c)] by an eligible institution [as defined in HECB 602 (c)] for any foreign student [as defined in HECB 602 (d)] who has been domiciled in Minnesota for at least one year immediately prior to application, provided that the institution documents the financial need of the student [as defined in HECB 602 (i)] according to procedures prescribed by the Executive Director, **and further** provided that the total number of these residencies shall not exceed one-half of one percent of total full-time equivalent fall term enrollment of the institution. [as defined in HECB 602 (f).]

B. Funds may be awarded by an eligible institution [as defined in HECB 602 (c)] for any foreign student [as defined in HECB 602 (d)] provided that the institution documents the unexpected financial need of the student [as defined in HECB 602 (j)] according to procedures prescribed by the Executive Director.

C. Eligible institutions [as defined in HECB 602 (c)] shall have the authority to grant resident status [as defined in HECB 602 (c)] to any foreign student [as defined in HECB 602 (d)] who is a recipient of scholarship or grant funds contributed by Minnesota individuals, organizations or corporations in sufficient amounts to cover such resident tuition fees provided that the institution documents that the scholarship or grant funds did not originate from the student or any member of the student's family. [as defined in HECB 602 (k).]

[HECB 604] **5 MCAR § 2.0604** Terms of loans and grants.

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

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A. Each eligible institution [as defined in HECB 602 (c)] shall be authorized and be responsible for informing any foreign student who receives funds [under any section of Laws of 1974,] **pursuant to the Program** that the funds are provided initially as a loan and will not be converted to a grant until the student submits evidence that the student has returned to his home country within one year of completion of the student's education and has not returned to the United States for five years as permanent resident.

B. Each eligible institution [as defined in HECB 602 (c)] shall be responsible for establishing sound procedures for loan principal and interest collection including the execution of a promissory note and disclosure of finance charges at the time of making of each loan.

C. Each loan shall be evidenced by a promissory note and shall bear interest at a rate of 8 percent simple from the time of the making of the loan.

D. Each loan and accrued interest shall be payable to and upon demand of the eligible institution [as defined in HECB 602 (e)] in the event that the student does not satisfy the requirements in **5 MCAR § 2.0604 (a)**.

E. Any loan and interest amounts collected by any institution under the [provisions of Laws of 1974, ch. 492, § 2,] **Program** shall revert back to the Board.

F. The eligible institutions [as defined in HECB 602 (c)] shall provide reasonable reports as are requested by the Executive Director.

[HECB 605] **5 MCAR § 2.0605** Allocation formula.

[(a) Funds provided under Laws of 1974, ch. 492, § 2, shall be allocated to individual participating institutions as defined in HECB 602 (1) as follows:

Full-time equivalent fall term enrollment as defined in HECB 602 (f) for each participating institution multiplied by the cost of education as defined in HECB 602 (g) divided by the sum of the products for all participating institutions times the appropriation as provided for by the Minnesota Legislature.]

**A. Annually the Board shall notify eligible institutions of the funds available for allocation that year.**

**B. Upon receipt of notification by the Board, eligible institutions wishing to participate shall submit to the Board:**

**1. a written Request for Participation in the Program for that year, and**

**2. an estimate of the amount of the funds necessary**

**at that institution to meet expected financial needs of eligible foreign students.**

**C. Upon receipt of institutional Request for Participation the Board shall calculate each institution's allocation according to the allocation formula.**

**D. If the estimate of funds by each participating institution is less than the amount which would be allocated to that institution under the allocation formula, the Board shall allocate to the institution funds equal to the institution's estimate.**

**E. If the institution's estimate of need exceeds the allocation determined by the allocation formula, the Board shall allocate additional funds to the institution to utilize funds remaining from the earlier allocations to institutions whose estimates of need are less than the amount determined under the allocation formula.**

[HECB 606] **5 MCAR § 2.0606** Disbursement of funds.

A. Funds shall be disbursed to participating institutions according to procedures prescribed by the Executive Director.

B. Any disbursed funds shall be for use only during the fiscal year of disbursement and any unused funds shall be remitted to the Board according to procedures prescribed by the Executive Director.

C. Each participating institution shall be accountable for any funds disbursed to students under the provisions of these rules and regulations.

[HECB 607] **5 MCAR § 2.0607** Delegation of authority. The Executive Director is hereby delegated necessary authority and responsibility for administration of the Program in accordance with these rules, state law and applicable federal laws and regulations, including issuing public information, designing related forms, prescribing application procedures, prescribing procedures and terms for collection and repayment of loans, prescribing terms and conditions for agreements with eligible institutions, approving and disapproving applications, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Minnesota Foreign Student Assistance Program.

### Chapter Eight: Part-Time Student Grant Program

**5 MCAR § 2.0801 Purpose.** The purpose of this chapter is to augment Laws of 1977, ch. 384, §§ 17 and 18, as amended, to be codified as Minn. Stat. § 136A.132 et seq., establishing a state program of part-time student

## PROPOSED RULES

grants by providing standards, criteria, rules and regulations therefore.

5 MCAR § 2.0802 Definitions. The following terms shall have the meaning hereinafter ascribed to them:

A. "Eligible institution" shall be any post-secondary institution in Minnesota which is eligible for the state grant-in-aid program as defined in Minn. Stat. § 136A.101, subd. 4 (1976) and 5 MCAR § 2.0102 (a).

B. "Eligible student" shall be any student:

1. who is a Minnesota resident as provided herein:

a. Applicants who reside with, received support from, or are claimed as tax exemptions by their parents or guardians in the years prior to, during, or following the academic year for which application is made shall be considered to be domiciled with such parents or guardian and a resident of the state where so domiciled;

b. Applicants who are adjudged to be independent of parental or guardian's financial support shall be considered as residents of the State of Minnesota for purposes of this program provided that they have resided in the State of Minnesota for not less than twelve consecutive months immediately prior to making application for purposes other than that of obtaining an education, and

2. who is granted formal admission to and enrolled in good standing or accepted for enrollment in an eligible institution less than full time, pursuing a program of course of study leading to a recognized degree, diploma, or certificate, and

3. who is not eligible for other state or federal educational gift assistance, and

4. whose tuition and fees are not to be paid or reimbursed by other sources.

C. "Single term" shall be a quarter or semester or its equivalent, as determined by the eligible institution.

D. "Part-time fall term enrollment" shall be the total of all resident and extension part-time students reported as lower division, upper division, graduate, professional, and vocational for each eligible institution, as determined by the Board in its annual enrollment survey in the year prior to the academic year for which program funds are allocated.

E. "Base year" shall be the tax year prior to the academic year for which aid is requested.

F. "Estimated year" shall be the tax year subsequent to the base year.

G. "Executive Director" is the Executive Director of the Minnesota Higher Education Coordinating Board.

5 MCAR § 2.0803 Determination of financial need. Each eligible institution shall be required to solicit demographic, educational, and financial data from eligible students requesting funds under this program as specified by the Board prior to each academic year for the purpose of determining financial need. Annually, all eligible institutions shall make available upon request of the Board reports of all such data collected. Determination of financial need shall be based on base year income. In the following circumstances, estimated year income may provide the basis for determination of financial need if:

A. A parent or spouse who provided income in the base year died during the base year or the estimated year;

B. A parent or spouse who provided income in the base year has experienced a complete loss of all employment for at least ten weeks in the estimated year;

C. A parent or spouse who provided income in the base year has been unable to pursue normal income-producing activities in the estimated year for at least ten weeks, due to either disability occurring in the base year or the estimated year or a natural disaster that occurred in the estimated year;

D. A parent or eligible student has become separated or divorced during the estimated year; or

E. The eligible student who was employed for an average of 35 hours per week for at least 30 weeks in the base year is no longer employed on a full-time basis in the estimated year.

Eligible students, whose incomes for the base year or the estimated year as provided for herein are less than or equal to the Urban Family Budget Study, Lower Budget, as established by the U.S. Bureau of Labor Statistics, shall be considered to be financially needy for an award under provisions of this program.

5 MCAR § 2.0804 Amount and terms of awards.

**KEY:** Existing rules are printed in standard type face. Proposed additions to existing rules are printed in **boldface**, while proposed deletions from existing rules are printed within [single brackets]. Additions to proposed rules are **underlined and boldfaced**, while deletions from proposed rules are printed within [[double brackets]].

## PROPOSED RULES

Awards shall be granted to those eligible students adjudged to be financially needy as defined in 5 MCAR § 2.0803 but in no case shall the award amount exceed the cost of resident tuition and fees at the eligible institution or the cost of resident tuition and fees for an equivalent program at the University of Minnesota, whichever is less. Awards shall be for a single term and shall not be automatically renewable. Re-application may be made for each term in which aid is desired.

### 5 MCAR § 2.0805 Allocation and disbursement of funds.

A. Funds shall be allocated to eligible institutions according to the following formula:

Part-time fall term enrollment divided by the total part-time fall-term enrollment for all eligible institutions multiplied by the then-current appropriation as provided for by the Minnesota Legislature.

B. Annually, the Board shall notify each eligible institution of the amount of funds allocated according to the formula specified in 5 MCAR § 2.0805 (a).

C. Periodically, each eligible institution shall inform the Board of funds needed to meet commitments. Funds will be disbursed accordingly to the amount allocated by the formula specified in 5 MCAR § 2.0805 (a).

D. Periodically, at the request of the Board, each eligible institution shall inform the Board of anticipated utilization of funds. Unused funds shall be released by the eligible institution and shall be available for reallocation, according to the formula defined in 5 MCAR § 2.0805 (a), to eligible institutions desiring additional funds.

E. Each eligible institution shall be accountable for any funds disbursed to eligible students under the provisions of the rules and regulations.

F. Any allocated funds shall be used only during the fiscal year of disbursement and may be applied to any single term.

G. Each eligible institution shall be responsible for refunds of unused tuition and fees necessitated by the withdrawal of any students. The eligible institution may apply any refunded amounts to other eligible students or emit such funds to the Board.

5 MCAR § 2.0806 Delegation of authority. The Executive Director is hereby delegated necessary authority and responsibility for administration of the Part-Time Student Grant Program in accordance with these rules, state law and applicable federal laws and regulations, including issuing public information, designing related

forms, prescribing application procedures, prescribing terms and conditions and agreements with eligible institutions, and establishing such policies and practices as the Executive Director may deem necessary for effective administration in accordance with the purposes and requirements of the Part-Time Student Grant Program.

## Pollution Control Agency Proposed Rules Governing Standards for Individual Sewage Treatment Systems

### Notice of Hearing

Notice is hereby given that public hearings in the above-entitled matter will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota, on November 7, 1977, commencing at 9:00 a.m.; in Room 158 of the Student Center, Southwest State University, North Highway 23, Marshall, Minnesota, on November 10, 1977, commencing at 7:00 p.m.; in the Crow Wing County Service Building, Brainerd, Minnesota, on November 14, 1977, commencing at 7:00 p.m.; in Room 176 of the Messabi Community College, 9th Avenue & West Chestnut, Virginia, Minnesota, on November 15, 1977, commencing at 7:00 p.m.; in the Beaux Arts Ballroom of Bemidji State University, 14th Street & Birchmont Drive, Bemidji, Minnesota, on November 16, 1977, commencing at 7:00 p.m.; in Room S-209 of the Fergus Falls Community College, Highway 210 West, Fergus Falls, Minnesota, on November 17, 1977, commencing at 7:00 p.m.; and in the Theater at Rochester Community College, East Highway 14, Rochester, Minnesota, on November 21, 1977, commencing at 7:00 p.m. These hearings shall continue until all persons have had an opportunity to be heard. The Agency will present its witnesses and evidence in support of the above captioned rule at the hearing in Roseville, Minnesota.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Hearing Examiner William Seltzer, 1745 University Avenue, St. Paul, Minnesota 55104 phone (612) 296-8105, either before the hearing or within five working days after the close of the hearing, unless the Hearing Examiner orders the record to remain open for a longer period not to exceed 20 days, in which case written comments may be submitted within that period. For those wishing to submit written materials, it is requested that at least three (3) copies of such material be furnished. In addition, to save time and to avoid duplication, it is suggested that those persons, organizations, or



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associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

The proposed rules, if adopted, would:

(1) Provide minimum standards and criteria for the design, location, installation, use and maintenance of individual sewage treatment systems, which would be applied in the following manner:

(a) The following systems would be required to conform to the requirements of the standards and to make application for a State Disposal System Permit from the Agency:

(i) Individual sewage treatment systems which serve a single facility generating greater than 15,000 gallons per day; and

(ii) Collector systems which serve 15 dwellings or 5,000 gallons per day, whichever is less;

(b) Individual sewage treatment systems serving establishments or facilities licensed or otherwise regulated by the State of Minnesota would be required to conform to the requirements of the standards;

(c) The standards would be administered by local units of government in Shoreland and Floodplain Areas and Wild and Scenic River Land Use Districts pursuant to Minn. Stat. §§ 104.04, 104.36 and 105.485 (1976) and regulations of the Minnesota Department of Natural Resources promulgated under those statutes;

(d) Outside of the above-mentioned areas, the standards would serve as recommended guidelines for the adoption of local ordinances and for the design, location, construction, use and maintenance of individual sewage treatment systems;

(2) Create an Advisory Committee on Individual Sewage Treatment Systems for the purpose of reviewing technical data and possible revised standards and legislation, developing and revising a technical manual and educational materials and programs, and advising the Agency and local units of government on the administration of standards and ordinances pertaining to individual sewage treatment systems.

Copies of the proposed rule are now available and one free copy may be obtained by writing to Mr. Michael J.

Hansel, Minnesota Pollution Control Agency, Division of Water Quality, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the door on the dates of the hearings. The Agency's authority to promulgate the proposed rule is contained in Minn. Stat. chs. 104, 105, 115 and 116 and, more specifically, Minn. Stat. § 115.03 subd. 1(e) (1976). A "statement of need" explaining why the Agency feels the proposed rules are necessary and a "statement of evidence" outlining the testimony which the Agency will be introducing will be filed with the Hearing Examiner's Office at least 25 days prior to the hearing and will be available for public inspection.

Please be advised that Minn. Stat. ch. 10A, requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250 per year or five hours per month at lobbying. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone (612) 296-5615.

Sandra S. Gardebring  
Executive Director

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### WPC 40 Individual sewage treatment systems standards.

A. Intent. The improper design, location, installation, use and maintenance of individual sewage treatment systems adversely affects the public health, safety and general welfare by discharge of inadequately treated sewage to surface and ground waters. In accordance with the authority granted in Minn. Stat. chs. 104, 105, 115, and 116 (1976), the Minnesota Pollution Control Agency, hereinafter referred to as the Agency, does hereby provide the minimum standards and criteria for the design, location, installation, use and maintenance of individual sewage treatment systems, and thus protect the surface and ground waters of the state, and promote the public health and general welfare.

Further, it is intended that the administration and enforcement of these standards be conducted by local units of government, since experience has shown that sanitary ordinances can most effectively be administered at the local level.

B. Definitions. For the purposes of these standards, certain terms or words used herein shall be interpreted as follows, the word "shall" is mandatory, the words "should" and "may" are permissive. All distances, unless otherwise specified, shall be measured horizontally.

1. Aerobic tank. Any sewage tank which utilizes the principle of oxidation in the decomposition of sewage by the introduction of air into the sewage.

2. Agency. The Minnesota Pollution Control Agency.

3. Alternative system. An individual sewage treatment system employing such methods and devices as presented in section (I).

4. Baffle. A device installed in a septic tank for proper operation of the tank, and to provide maximum retention of solids. Includes vented sanitary tees and submerged pipes in addition to those devices that are normally called baffles.

5. Bedrock. That layer of parent material which is consolidated and unweathered.

6. Bedroom. Any room within a dwelling that might reasonably be used as a sleeping room.

7. Building drain. That part of the lowest piping of the drainage system which receives the sewage discharge inside the walls of the building and conveys it to the building sewer beginning at least one foot outside the building footings.

8. Building sewer. That part of the drainage system which extends from the end of the building drain and conveys its discharge to an individual sewage treatment system.

9. Capacity. The liquid volume of a sewage tank using inside dimensions below the outlet.

10. Cesspool. An underground pit into which raw household sewage or other untreated liquid waste is discharged and from which the liquid seeps into the surrounding soil. See section (C)(2)(d).

11. Distribution pipes. Perforated pipes or agricultural drain tiles that are used to distribute sewage tank effluent in a soil treatment system.

12. DNR. The Minnesota Department of Natural Resources.

13. Dosing chamber. (or pump pit or wet well) A

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tank or separate compartment following the sewage tank which serves as a reservoir for the dosing device.

14. Dosing device. A pump, siphon, or other device that discharges sewage tank effluent from the dosing chamber to the soil treatment system.

15. Dwelling. Any building or place used or intended to be used by human occupants as a single family or two family unit.

16. Filter material. Clean rock, crushed igneous rock or similar insoluble, durable and decay-resistant material free from dust, sand, silt, or clay. The size shall range from three-fourths inch to two and one-half inches.

17. Greywater. Liquid waste from a dwelling or other establishment produced by bathing, laundry, culinary operations and from floor drains, and specifically excluding toilet waste.

18. Holding tank. A watertight tank for storage of sewage until it can be transported to a point of approved treatment and disposal.

19. Impermeable. With regard to bedrock, a bedrock having no cracks or crevices and having a vertical permeability less than one inch in 24 hours shall be considered impermeable. With regard to soils, a soil horizon or layer having a vertical permeability less than one inch in 24 hours shall be considered impermeable.

20. Individual sewage treatment system. A sewage treatment system, or part thereof, serving a dwelling, or other establishment, or group thereof, which utilizes subsurface soil treatment and disposal.

21. Local unit of government. A township, city or county organized under the laws of the State of Minnesota.

22. Mottling. A zone of chemical oxidation and reduction activity, appearing as splotchy patches of red, brown, orange and gray in the soil.

23. Mound system. A system where the soil treatment area is built above the ground to overcome limits imposed by proximity to water table or bedrock, or by rapidly or slowly permeable soils.

24. Other establishment. Any public or private structure other than a dwelling which generates sewage.

25. Percolation rate. The time rate of drop of a water surface in a test hole as specified in section (D)(3)(b) of this regulation.

26. Permitting authority. Any State agency or local unit of government which administers the provisions of these standards.

27. Plastic limit. A soil moisture content below which the soil may be manipulated for purposes of installing a soil treatment system, and above which manipulation will cause compaction and pudding.

28. Sand. A soil texture composed by weight of at least 85 percent of soil particles ranging in size between 0.05 and 2.0 mm.

29. Seepage pit. (or leaching pit or dry well) An underground pit into which a sewage tank discharges sewage or other liquid waste and from which the liquid seeps into the surrounding soil through the bottom and openings in the side of the pit.

30. Septage. Those solids and liquids removed during periodic maintenance of a septic or aerobic tank, or those solids and liquids which are removed from a holding tank.

31. Setback. A separation distance measured horizontally.

32. Sewage. Any water carried domestic waste, exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment, or any dwelling, or any other structure. Domestic waste includes but is not limited to liquid waste produced by bathing, laundry, culinary operations and liquid wastes from toilets and floor drains, and specifically excludes animal waste and commercial process water.

33. Sewage flow. Flow as determined by measurement of actual water use or, if actual measurements are unavailable, as estimated by the best available data provided by the Agency.

34. Sewage tank. A watertight tank used in the treatment of sewage. Includes, but is not limited to septic tanks and aerobic tanks.

35. Sewage tank effluent. That liquid which flows from a septic or aerobic tank under normal operation.

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36. **Septic tank.** Any watertight, covered receptacle designed and constructed to receive the discharge of sewage from a building sewer, separate solids from liquid, digest organic matter, and store liquids through a period of detention, and allow the clarified liquids to discharge to a soil treatment system.

37. **Shoreland.** Land located within the following distances from public waters: (1) 1,000 feet from the ordinary high water mark of a lake, pond or flowage; and (2) 300 feet from a river or stream or the landward extent of a flood plain designated by ordinance on such a river or stream, whichever is greater.

38. **Site.** The area bounded by the dimensions required for the proper location of the soil treatment system.

39. **Slope.** The ratio of vertical rise or fall to horizontal distance.

40. **Soil characteristics, limiting.** Those soil characteristics which preclude the installation of a standard system, including but not limited to evidence of water table or bedrock closer than three feet to the ground surface, and percolation rates faster than one-tenth or slower than 60 minutes per inch.

41. **Soil textural classification.** Where soil particle sizes or textures are specified in this regulation, they refer to the soil textural classification in the Soil Survey Manual, Handbook No. 18, U.S. Department of Agriculture, 1951.

42. **Soil treatment area.** That area of trench or bed bottom which is in direct contact with the filter material of the soil treatment system.

43. **Soil treatment system.** A system whereby sewage tank effluent is treated and disposed of below the ground surface by filtration and percolation through the soil. Includes those systems commonly known as seepage bed, trench, drainfield, disposal field, and includes mounds, Electroosmosis systems, and seepage pits.

44. **Standard system.** An individual sewage treatment system employing a building sewer, sewage tank and the soil treatment system commonly known as seepage bed or trenches, drainfield, or leachfield.

45. **Surface water flooding.** The 100 year flood plain along rivers and streams as defined by the DNR, or in the absence of such data, as defined by the largest flood of record. On lakes, high water levels as determined or recorded by the DNR or, in the case of no DNR record, by local records or experience. Other surface

water flooding or high water areas should be determined by local information.

46. **Ten year flood.** That flood which can be expected to occur, on an average, of once in ten years; or the level to which flood waters have a ten percent chance of rising in any given year.

47. **Toilet waste.** Fecal matter, urine, toilet paper and any water used for flushing.

48. **Valve box.** Any device which can stop sewage tank effluent from flowing to a portion of the soil treatment area. Includes, but is not limited to caps or plugs on distribution or drop box outlets, divider boards, butterfly valves, gate valves, or other mechanisms.

49. **Water table.** The highest elevation in the soil where all voids are filled with water, as evidenced by presence of water or soil mottling or other information.

50. **Ordinary high water mark.** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

51. **Watertight.** Constructed so that no water can get in or out below the level of the outlet.

52. **Wild and scenic river land use district.** Those lands designated by the Commissioner of the DNR as the protected land corridor along those rivers or river segments designated as wild, scenic or recreational rivers.

### C. General provisions.

#### 1. Applicability.

##### a. Administration by state agencies.

(1) Individual sewage treatment systems which serve a single facility generating greater than 15,000 gallons per day shall conform to the requirements of these standards and shall make application for a State Disposal System Permit from the Agency.

(2) Collector systems which serve 15 dwellings or 5,000 gallons per day, whichever is less, shall conform to the requirements of these standards and shall make application for a State Disposal System Permit from the Agency.

(3) Individual sewage treatment systems serving establishments or facilities licensed or otherwise

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regulated by the State of Minnesota shall conform to the requirements of these standards.

(4) Any individual sewage treatment system requiring approval by the State of Minnesota shall also comply with all local codes and ordinances.

### b. Administration by local units of government.

(1) Shoreland and floodplain areas, and wild and scenic river land use districtis. Pursuant to Minn. Stat. §§ 104.04, 104.36 and 105.485 (1976), certain counties and municipalities must enact ordinances which comply with the appropriate regulations of the Minnesota Department of Natural Resources, some of which in turn require compliance with the regulations of the Minnesota Pollution Control Agency.

(2) Other areas. Outside of the above mentioned areas, these standards provide recommended guidelines for the adoption of local ordinances and for the design, location, construction, use and maintenance of individual sewage treatment systems.

(3) Localized standards. Nothing in these standards shall prevent local units of government from enacting ordinances which provide more adequate sewage treatment under local conditions.

### 2. General.

a. Surface discharge. Unless specifically permitted by the Agency\*, sewage, sewage tank effluent, or seepage from a soil treatment system shall not be discharged to the ground surface, abandoned wells, or bodies of surface water, or into any rock or soil formation the structure of which is not conducive to purification of water by filtration, or into any well or other excavation in the ground.

b. Treatment required. The system, or systems, shall be designed to receive all sewage from the dwelling, building, or other establishment served. Footing or roof drainage shall not enter any part of the system.

c. System components. The system shall consist of a building sewer, sewage tank and soil treatment system. All sewage shall be treated in a sewage tank or

\*All new or existing systems which discharge to surface waters or the ground surface must obtain either a National Pollutant Discharge Elimination System (NPDES) or State Disposal System Permit from the Agency and shall comply with all requirements pertaining thereto.

toilet waste treatment device, and the sewage tank effluent shall be discharged to the soil treatment system.

d. Prohibited installations. Cesspools shall not be installed.

e. System sizing. Where the construction of additional bedrooms, the installation of mechanical equipment or other factors likely to affect the operation of the system can be reasonably anticipated, the installation of a system for such anticipated need shall be required.

### 3. Advisory committee.

a. There is hereby created an Advisory Committee on Individual Sewage Treatment Systems (ISTS) hereinafter referred to as the Committee.

b. The Committee shall, subject to the approval of the Agency:

(1) Review and advise the Agency on revisions of standards and legislation relating to ISTS.

(2) Review technical data relating to ISTS.

(3) Develop and revise a technical manual on ISTS.

(4) Develop educational materials and programs for ISTS.

(5) Advise the Agency and local unit of government on the administration of standards and ordinances pertaining to ISTS.

c. The Committee shall consist of 16 voting members. Of the 16 voting members:

One shall be a citizen of Minnesota, representative of the public;

One shall be from the Agricultural Extension Service of the U.S.D.A. and the University of Minnesota;

Six shall be county administrators (such as zoning administrators, sanitarians, etc.), one from each of the five Agency regions and one from the seven-county metropolitan area.

One shall be a municipal building inspector;

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## PROPOSED RULES

Six shall be sewage treatment contractors, one from each of the five Agency regions and one from the seven-county metropolitan area; and

One shall be a water well contractor.

d. The following agencies and associations shall each have one non-voting ex officio member to assist the Advisory Committee and to be advised, in turn, on matters relating to ISTS: the Agency, the DNR, Department of Health, the U.S.D.A. Soil Conservation Service, the Metropolitan Council, the Association of Minnesota Counties, the Minnesota Association of Township Officials, the League of Minnesota Cities, and the Minnesota Society of Professional Engineers.

e. All members shall be appointed by the Agency Board from recommendations by the affected groups. All members shall serve for two years, with terms staggered so as to maintain continuity.

f. In the case of a vacancy, an appointment shall be made for the unexpired balance of the term. The administrators, inspectors, and contractors shall have been bona fide residents of this state for a period of at least three years prior to appointment, and shall have had at least three years experience in their respective businesses.

g. Robert's Rules of Order shall prevail at all meetings of the Advisory Committee.

### D. Site evaluation.

1. All proposed sites for individual sewage treatment systems shall be evaluated as to:

a. Depth to the highest known or calculated ground water table or bedrock;

b. Soil conditions, properties and permeability;

c. Slope;

d. The existence of lowlands, local surface depressions, and rock outcrops;

e. All legal setback requirements from: existing and proposed buildings; property lines; sewage tanks; soil treatment systems; water supply wells; buried water pipes and utility lines; the ordinary high water mark of lakes, rivers, streams, flowages; and the location of all soil treatment systems and water supply wells on adjoining lots within 150 feet of the proposed soil treatment system, sewage tank and water supply well;

f. Surface water flooding probability.

2. A preliminary evaluation shall be made of publicly available, existing data. If this evaluation, in the opinion of the permitting authority, yields enough information that the site is suitable, approval may be given for the installation of a standard system as specified in section (H)(2). If a preliminary evaluation does not produce sufficient information, a field evaluation shall be made to determine the necessary information as specified in section (D)(1).

3. Procedures for soil borings and percolation tests.

a. Soil borings. Where soil borings are required, they shall be made as follows:

(1) Each boring or excavation shall be made to a depth at least three feet deeper than the bottom of the proposed system or until bedrock or a water table is encountered, whichever is less.

(2) A soil texture description shall be recorded by depth and notations made where texture changes occur.

(3) Particular effort shall be made to determine the highest known water table by recording the first occurrence of mottling observed in the hole, or if mottling is not encountered, the open holes in clay or loam soils shall be observed after standing undisturbed a minimum of 16 hours, and depth to standing water, if present, shall be measured.

b. Percolation tests. Where percolation tests are required, they shall be made as follows:

(1) Test hole dimensions and locations:

(a) Each test hole shall be six to eight inches in diameter, have vertical sides, and be bored or dug to the depth of the bottom of the proposed individual sewage treatment system.

(b) Soil texture descriptions shall be recorded noting depths where texture changes occur.

(2) Preparation of the test hole:

(a) The bottom and sides of the hole shall be carefully scratched to remove any smearing and to provide a natural soil surface into which water may penetrate.

(b) All loose material shall be removed from the bottom of the test hole and two inches of one-fourth to three-fourths inch gravel shall be added to protect the bottom from scouring.

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### (3) Soil saturation and swelling:

(a) The hole shall be carefully filled with clear water to a minimum depth of 12 inches over the soil at the bottom of the test hole and maintained for no less than four hours.

(b) The soil shall then be allowed to swell for at least 16, but no more than 30 hours. In sandy soils, the saturation and swelling procedure shall not be required and the test may proceed if one filling of the hole has seeped away in less than ten minutes.

### (4) Percolation rate measurement:

(a) In sandy soils adjust the water depth to eight inches over the soil at the bottom of the test hole. From a fixed reference point, the drop in water level shall be measured in inches to the nearest one-eighth inch at approximately ten minute intervals. A measurement can also be made by determining the time it takes for the water level to drop one inch from an eight-inch reference point. If eight inches of water seeps away in less than ten minutes, a shorter interval between measurements shall be used, but in no case shall the water depth exceed eight inches. The test shall continue until three consecutive percolation rate measurements vary by a range of no more than ten percent.

(b) In other soils, adjust the water depth to eight inches over the soil at the bottom of the test hole. From a fixed reference point, the drop in water level shall be measured in inches to the nearest one-eighth inch at approximately 30 minute intervals, refilling between measurements to maintain an eight-inch starting head. The test shall continue until three consecutive percolation rate measurements vary by a range of no more than ten percent. The percolation rate can also be made by observing the time it takes the water level to drop one inch from an eight-inch reference point if a constant water depth of at least eight inches has been maintained for at least four hours prior to the measurement.

### (5) Calculating the percolation rate:

(a) Divide the time interval by the drop in water level to obtain the percolation rate in minutes per inch.

(b) Percolation rates determined for each test hole shall be averaged to determine the final soil treatment system design.

(6) For reporting the percolation rate, worksheets showing all calculations and measurements shall be submitted.

(7) A percolation test shall not be run where frost exists below the depth of the proposed soil treatment system.

### E. Building sewers.

1. The building sewer, and all piping up to the point where the soil treatment area begins, shall be of watertight piping and joints. Joints between this piping and other appurtenances of the system shall be watertight. The use of perforated pipe or its equivalent is prohibited.

2. No building sewer shall be less than four inches in diameter.

3. The buried or concealed portion of any building sewer, building drain or branch thereof shall be located at least 20 feet from any well. That portion located less than 50 feet from any well shall be constructed of cast iron with air tested joints. The air test should be made by attaching an air compressor or test apparatus to a suitable opening and closing all other inlets and outlets to the sewer and/or drain under test by means of proper testing plugs. Air shall be forced into the system until there is uniform pressure of five pounds per square inch in the section being tested. The system shall be considered satisfactorily air tested if the pressure therein remains constant for 15 minutes without the addition of air.

4. The portions of any buried sewer more than 50 feet from a well shall be constructed of cast iron, vitrified clay, cement-asbestos, concrete or other approved pipe material.

5. All joints between pipes and fittings in the building sewer shall have watertight and root tight joints. Portland cement mortar joints shall not be allowed. Lines shall provide a grade of not less than one-eighth inch per foot. Where building sewers exceed 50 feet in length, lines shall provide a grade which will allow a flow velocity of not less than two feet per second. All changes of grade shall be by means of long sweep ells. Where long sweep ells are not used and where the direction changes by more than 22½ degrees, accessible cleanouts shall be provided.

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## PROPOSED RULES

### F. Sewage tanks.

#### 1. General.

a. All tanks, regardless of material or method of construction shall be:

(1) Watertight.

(2) So designed and constructed as to withstand all lateral earth pressures under saturated soil conditions with the tank empty.

(3) So designed and constructed as to withstand a minimum of seven feet of saturated earth cover above the tank top.

(4) Not subject to excessive corrosion or decay.

b. Any tank not having an integrally cast bottom shall not be installed when the water table is closer than three inches to the bottom of the excavation at the time of construction.

#### 2. Septic tanks.

a. Design. All tanks, regardless of material or method of construction, shall conform to the following criteria:

(1) The liquid depth of any septic tank or compartment thereof shall be not less than 30 inches. A liquid depth greater than six and one-half feet shall not be considered in determining tank capacity.

(2) No tank or compartment thereof shall have an inside horizontal dimension less than 24 inches.

(3) Inlet and outlet connections of the tank shall be submerged by means of baffles.

(4) The space in the tank between the liquid surface and the top of the inlet and outlet baffles shall be not less than 20 percent of the total required liquid capacity, except that in horizontal cylindrical tanks this space shall be not less than 15 percent of the total required liquid capacity.

(5) Inlet and outlet baffles shall be constructed of acid resistant concrete, acid resistant fiberglass or plastic.

(6) Sanitary tees shall be affixed to the inlet or outlet pipes with a permanent waterproof adhesive. Baffles shall be integrally cast with the tank, affixed with a permanent waterproof adhesive or affixed with stainless steel connectors, top and bottom.

(7) The inlet baffle shall extend at least six inches but not more than 20 percent of the total liquid depth below the liquid surface and at least one inch above the crown of the inlet sewer.

(8) The outlet baffle and the baffles between compartments shall extend below the liquid surface a distance equal to 40 percent of the liquid depth except that the penetration of the indicated baffles or sanitary tees for horizontal cylindrical tanks shall be 35 percent of the total liquid depth. They also shall extend above the liquid surface as required in section (F)(2)(a)(4). In no case shall they extend less than six inches above the liquid surface.

(9) There shall be at least one inch between the underside of the top of the tank and the highest point of the inlet and outlet devices.

(10) The inlet invert shall be not less than three inches above the outlet invert.

(11) The inlet and outlet shall be located opposite each other along the axis of maximum dimension. The horizontal distance between the nearest points of the inlet and outlet devices shall be at least four feet.

(12) Sanitary tees shall be at least four inches in diameter. Inlet baffles shall be no less than six inches or no more than 12 inches measured from the end of the inlet pipe to the nearest point on the baffle. Outlet baffles shall be six inches measured from beginning of the outlet pipe to the nearest point on the baffle.

(13) Access to the septic tank shall be as follows:

(a) There shall be one or more manholes, at least 20 inches least dimension, and located within six feet of all walls of the tank. The manhole shall extend through the cover to a point within 12 inches but no closer than six inches below finished grade. The manhole cover shall be covered with at least six inches of earth.

(b) There shall be an inspection pipe of at least four inches diameter or a manhole over both the inlet and outlet devices. The inspection pipe shall extend through the cover and be capped flush or above finished grade. A downward projection of the center line of the inspection pipe shall be directly in line with the center line of the inlet or outlet device.

(14) Compartmentation of single tanks.

(a) Septic tanks larger than 3,000 gallons and fabricated as a single unit shall be divided into two or more compartments.



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(b) When a septic tank is divided into two compartments, not less than one-half nor more than two-thirds of the total volume shall be in the first compartment.

(c) When a septic tank is divided into three or more compartments, one-half of the total volume shall be in the first compartment and the other half equally divided in the other compartments.

(d) Connections between compartments shall be baffled so as to obtain effective retention of scum and sludge. The submergence of the inlet and outlet baffles of each compartment shall be as specified in sections (F)(2)(a)(7) and (8).

(e) Adequate venting shall be provided between compartments by baffles or by an opening of at least 50 square inches near the top of the compartment wall.

(f) Adequate access to each compartment shall be provided by one or more manholes, at least 20 inches least dimension, and located within six feet of all walls of the tank. The manhole shall extend through the cover to a point within 12 inches but no closer than six inches below finished grade. The manhole cover shall be covered with at least six inches of earth.

### (15) Multiple tanks.

(a) Where more than one tank is used to obtain the required liquid volume, the tanks shall be connected in series.

(b) Each tank shall comply with all other provisions of section (F)(1).

(c) No more than four tanks in series can be used to obtain the required liquid volume.

(d) The first tank shall be no smaller than any subsequent tanks in series.

### b. Capacity.

(1) Dwellings. The liquid capacity of a septic tank serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given below (see sections (B)(6) and (C)(2)(e)):

Number of Bedrooms	Tank Liquid Capacities (gallons)
2 or less	750
3 or 4	1,000
5 or 6	1,500
7, 8 or 9	2,000

For ten or more bedrooms, the septic tank shall be sized as an other establishment. See section (F)(2)(b)(2).

(2) Other establishments. The liquid capacity of a septic tank serving an establishment other than a dwelling shall be sufficient to provide a sewage detention period of not less than 36 hours in the tank for sewage flows less than 1,500 gallons per day, but in no instance shall the liquid capacity be less than 750 gallons. For sewage flows greater than 1,500 gallons per day the minimum liquid capacity shall equal 1,125 gallons plus 75 percent of the daily sewage flow.

### c. Location.

(1) The sewage tank shall be placed so that it is accessible for the removal of liquids and accumulated solids.

(2) The sewage tank shall be placed on firm and settled soil capable of bearing the weight of the tank and its contents.

(3) Sewage tanks shall be set back as specified in Table IV following section (H)(2)(d)(3).

(4) Sewage tanks shall not be placed in areas subject to flooding or in flood plains delineated by local ordinances adopted in compliance with the *State-wide Standards for Management of Flood Areas of Minnesota* (Minnesota Rule NR 85-93), or in areas for which regional flood information is available from the DNR, except that in areas where ten year flood information is available from and/or approved by the DNR, sewage tanks may be installed in accordance with all provisions of Appendix A, section (C)(6) of these standards.

d. Maintenance. The owner of any septic tank or his agent shall regularly inspect and arrange for the removal and sanitary disposal of septage from the tank whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle.

### 3. Aerobic tanks. Aerobic tank treatment systems

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shall comply with the general requirements for sewage tanks set forth in section (F)(1), and with the following:

a. The treatment system including each individual unit or compartment shall be easily accessible for inspection and maintenance and shall be provided with secured covers.

b. The raw sewage flow from the dwelling shall be intercepted by a trash trap prior to its entering the aeration compartment. The trash trap shall have a net holding capacity of not less than 20 percent of the average daily flow. The invert level to the trap shall be above the liquid level and discharge directly into the trap. The outlet from the trap to the aeration compartment shall be deep baffled or equipped with a tee or long ell.

c. The trash trap shall be readily accessible for inspection and effective cleaning and shall be so constructed as to prevent unauthorized entry.

d. The aeration compartment shall have a minimum holding capacity of 500 gallons or 120 gallons per bedroom, whichever is greater.

e. The method of aeration shall be accomplished by mechanical aeration, diffused air, or both. The method used shall maintain aerobic conditions at all times.

f. The settling compartment shall have a minimum net holding capacity equal to 20 percent of the volume of the aeration compartment. The design shall provide for effective settling and continuous return of settled sludge to the aeration compartment.

g. A minimum one year warranty and an initial two year service contract which specifies regular inspection calls and effluent quality checks shall be provided as a part of the purchase agreement.

h. All other features of the aerobic tanks not specifically mentioned above shall comply with National Sanitation Foundation Standard No. 40 (November 1970).

### G. Distribution and dosing of effluent.

#### 1. Distribution.

##### a. Gravity distribution.

(1) Level ground. Where the elevation difference of the ground surface does not exceed 28 inches in any direction within the soil treatment system, the sewage tank effluent may be directed to the soil treatment

system through a system of interconnected distribution pipes or trenches in a continuous system.

#### (2) Slightly sloping ground.

(a) Sewage tank effluent may be distributed by a distribution box provided the final ground surface elevation of the lowest trench is at least one foot higher than the outlet inverts of the distribution box.

##### (b) Distribution box.

(i) The box shall be watertight with a removable cover and shall be constructed of durable materials not subject to excessive corrosion or decay.

(ii) The inverts of all outlets shall be at the same elevation as measured from a liquid surface in the bottom of the box.

(iii) The inlet invert shall be at least one inch above the outlet inverts.

(iv) The outlet inverts shall be at least four inches above the distribution box floor.

(v) Each drainfield trench line shall be connected separately to the distribution box and shall not be subdivided.

(vi) When sewage tank effluent is delivered to the distribution box by pump, either a baffle wall shall be installed in the distribution box or the pump discharge shall be directed against a wall or side of the box on which there is no outlet. The baffle shall be secured to the box and shall extend at least one inch above the crown of the inlet flow line.

#### (3) Sloping ground.

(a) Where the elevation difference of the ground surface exceeds 28 inches in any direction within the soil treatment system and a distribution box cannot be used as specified in section (G)(1)(a)(2), a drop box shall be installed at the head end of each lateral line. Connections between drop boxes shall be by watertight pipes.

##### (b) Drop boxes.

(i) The drop box shall be watertight and constructed of durable materials not subject to excessive corrosion or decay.

(ii) The invert of the inlet pipe shall be at least one inch higher than the invert of the outlet pipe to the next trench.

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(iii) The invert of the outlet pipe to the next trench shall be at least two inches higher than the invert of the outlet pipe of the trench in which the box is located.

(iv) When sewage tank effluent is delivered to the drop box by a pump, the pump discharge shall be directed against a wall or side of the box on which there is no outlet.

(v) The drop box shall have a removable cover either flush or above finished grade or covered by no more than six inches of soil.

### b. Pressure distribution.

(1) Pressure distribution laterals shall be sized as shown in Table I.

(2) Laterals shall be spaced no further than 20 inches from a trench or bed wall.

(3) Laterals shall be spaced no further than 40 inches apart.

(4) Laterals shall be connected to a header pipe which is at least one and one-half inch and no more than two inches in diameter.

Table I  
Allowable Lateral Lengths in Feet

Perf. Dia.	Perforation Spacing					
	2.5 Feet			3.0 Feet		
	Pipe Dia.			Pipe Dia.		
	1"	1¼"	1½"	1"	1¼"	1½"
3/16"	34	52	70	36	60	75
7/32"	30	45	57	33	51	63
1/4"	25	38	50	27	42	54

### 2. Dosing.

#### a. Dosing chamber.

(1) The dosing chamber shall be watertight and constructed of sound and durable materials not subject to excessive corrosion or decay.

(2) There shall be one or more manholes, at least 20 inches least dimension and preferably located

directly above the dosing device. The manhole shall extend through the dosing chamber cover to final grade and shall be so constructed as to prevent unauthorized entry.

(3) The size of the effluent dose shall be determined by design of the soil treatment unit but in no case shall the dosing chamber be sized to provide a dose of less than 75 gallons.

#### b. Dosing devices for gravity distribution.

(1) A pump or siphon shall deliver the dose to the soil treatment unit for gravity distribution over the soil treatment area.

(2) For dwellings, the dosing device shall discharge at least 600 gallons per hour but no more than 2,700 gallons per hour.

(3) For other establishments, the dosing device should discharge at a rate at least ten percent greater than the water supply flow rate but no faster than the rate at which effluent will flow out of the distribution device.

(4) If the dosing device is a siphon, a maintenance inspection shall be made every six months by the owner or his agent. The siphon shall be maintained in proper operating condition.

(5) If the dosing device is a pump, it shall be cast iron or bronze fitted and with stainless steel screws or constructed of other sound, durable and corrosion-resistant materials.

(6) Where the soil treatment area is at a higher elevation than the pump, sufficient dynamic head shall be provided for both the elevation difference and friction loss.

(7) Where the dosing device is a pump, an alarm device shall be installed to warn of pump failure.

#### c. Dosing devices for pressure distribution.

(1) The dosing device shall be a pump which is cast iron or bronze fitted and with stainless steel screws or constructed of sound, durable and corrosion-resistant materials.

(2) The pump discharge capacity shall be at

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least 30 gallons per minute for a three-bedroom or smaller dwelling and an additional ten gallons per minute for each bedroom above three. For other establishments, the pump discharge shall be ten gallons per minute for each 200 gallons per day of sewage flow or 30 gallons per minute, whichever is greater.

(3) The pump discharge head shall be at least five feet greater than the head required to overcome pipe friction losses and the elevation difference between the pump and the distribution device.

(4) The quantity of effluent delivered for each pump cycle shall be equal to 25 percent of one day's sewage flow or 200 gallons, whichever is greater.

(5) An alarm device shall be installed to warn of pump failure.

### H. Final treatment and disposal.

1. General. Final treatment and disposal of all sewage tank effluent shall be by means of soil treatment and disposal.

#### 2. Standard system.

##### a. Sizing.

(1) The required soil treatment area shall be determined by number of bedrooms [see sections (B)(6) and (C)(2)(e)] for dwellings, the sum of the areas required for each individual unit for multiple residential units, and by the daily sewage flow for other establishments. See section (b)(33).

(2) The minimum soil treatment area required for any dwelling shall provide for at least two bedrooms.

(3) Estimates of sewage flow for dwellings are given in Table II.

Table II

#### Sewage Flow (Gallons Per Day)

Number of Bedrooms	Size of Dwelling*			
	I	II	III	IV
2	300	225	180	—
3	450	300	218	—
4	600	375	256	—
5	750	450	294	—
6	900	525	332	—

\*Table II is based on the following formulas:

Size I: Sewage Flow = 150(# of Bedrooms)

(4) The soil treatment area shall be at least as large as set forth in Table III.

Table III

Percolation Rate (Minutes per inch)	Required Soil Treatment Area in Square Feet (Per Gallon of Waste per Day)
Faster than 0.1**	—
0.1 to 5***	0.83
6 to 15	1.27
16 to 30	1.67
31 to 45	2.00
46 to 60	2.20
Slower than 60****	—

(5) Table III gives the required bottom area assuming six inches of filter material below the distribution pipe for trenches and beds. The required bottom area may be reduced, for trenches only, by the following percentages: 20 percent for 12 inches of filter materials below the distribution pipe; 34 percent for 18 inches; and 40 percent for 24 inches. The filter material shall completely encase the distribution pipe to a depth of at least two inches.

##### b. Location.

(1) On slopes in excess of 12 percent, the soil profile shall be carefully evaluated in the location of the proposed soil treatment system and downslope to identify the presence of layers with different permeabilities that may cause sidehill seepage. In no case shall a trench be located within 15 feet of such a layer surfacing on the downslope.

(2) Bed construction shall be limited to areas having natural slopes of less than six percent.

(3) Soil treatment systems shall be located as specified in Table IV following section (H)(2)(d)(3).

Size II: Sewage Flow = 75(# of Bedrooms + 1)

Size III: Sewage Flow = 66 + 38(# of Bedrooms + 1)

Size IV: (Greywater System): Sewage Flow = 60% of the average sewage flow

\*\*Soil is unsuitable for standard system if percolation rate is less than 0.1 minutes per inch. See Appendix A, section (C)(5).

\*\*\*Consider alternative sewage treatment systems for soils with this percolation rate range. See Appendix A, section (C)(5).

\*\*\*\*Soil is unsuitable for standard system if percolation rate is slower than 60 minutes per inch. See Appendix A, section (C)(4).

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(4) Soil treatment areas shall not be placed in areas subject to flooding or in flood plains delineated by local ordinances adopted in compliance with the *State-wide Standards and Criteria for Management of Flood Plain Areas of Minnesota* (Minn. Reg. NR 85-93), or in areas for which regional flood information is available from the DNR, except that in areas where ten year flood information is available from and/or approved by the DNR, soil treatment systems may be installed in accordance with the provisions of Appendix A, section (C)(6).

### c. Design and construction.

(1) The bottom of trenches and beds shall be at least three feet above the water table or bedrock.

(2) The trenches shall be not less than 18 inches nor more than 36 inches wide. Any trench wider than 36 inches shall be considered a bed.

(3) Trenches and beds shall be not more than 100 feet in length.

(4) The bottom of the trench or bed excavation shall be level.

(5) The bottom and sides of the soil treatment system to the top of the filter material shall be excavated in such a manner as to leave the soil in a natural, unsmearred, and uncompacted condition. Excavation shall be made only when the soil moisture content is at or less than the plastic limit.

(6) When the percolation rate is slower than 15 minutes per inch, excavation shall be by back hoe or other means that allow the equipment wheels or tracks to remain on the surface soil. Excavation equipment or other vehicles shall not be driven on the soil treatment area.

(7) There shall be a layer of at least six but no more than 24 inches of filter material in the bottom of the trenches and beds.

(8) Where disposal trenches are constructed within ten feet of trees six inches or larger in diameter, or dense shrubbery, or where it can reasonably be anticipated that such vegetation will be present during the expected life of the system, at least 12 inches of filter material shall be placed beneath the distribution pipe.

### (9) Distribution pipes — gravity distribution.

(a) Distribution pipe used in trenches or beds for gravity flow distribution shall be at least four inches in diameter and constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions.

(b) Perforated pipe used for sewage distribution pipes shall have one or more rows of holes of no less than one-half inch in diameter spaced no more than 36 inches apart. Holes shall be spaced to prevent failure due to loads. Distribution pipes shall have a load bearing capacity of not less than 1,000 pounds per lineal foot.

(c) Agriculture drain tile shall be in 12-inch lengths and laid with one-half inch open joints on grade boards. All open joints shall be protected on top by strips of asphalt-treated building paper at least ten inches long and three to six inches wide or by other acceptable means.

(d) Other devices may be used to distribute sewage tank effluent over the soil treatment area upon approval of the permitting authority.

### (10) Pressure distribution.

(a) Distribution pipes used in trenches or beds for pressure distribution shall be at least one inch in diameter and constructed of sound and durable material not subject to corrosion or decay or to loss of strength under continuously wet conditions.

(b) Perforations shall be sized and spaced as shown in Table II set forth in section (H)(2)(a)(3).

(11) The distribution pipes shall be laid level or on a uniform slope away from the distribution device of no more than four inches per 100 feet.

(12) The distribution pipes in beds shall be uniformly spaced no more than five feet apart and not more than 30 inches from the side walls of the bed.

(13) The filter material shall completely encase the disposal pipes to a depth of at least two inches.

(14) The filter material shall be covered with untreated building paper or a two-inch layer of hay or straw or similar, approved permeable materials.

(15) The trenches or beds shall be backfilled and crowned above finished grade to allow for settling.

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## PROPOSED RULES

The top six inches of soil shall have the same texture and density as the adjacent soil.

(16) The minimum depth of cover over the distribution pipes shall be at least eight inches. The maximum depth of cover over the distribution pipes shall be no more than 36 inches and preferably no more than 24 inches.

(17) A grass cover shall be established by the owner or his agent over the soil treatment system.

### d. Dual field.

(1) Dual field systems shall be used only where the percolation rate is slower than five minutes per inch.

(2) Dual field systems shall be sized, designed, and constructed as set forth above for standard systems except as follows:

(a) The soil treatment area shall be divided into two or more parts.

(b) Alternating soil treatment areas shall each be connected to a valve box outlet.

(3) A part of the soil treatment area shall be used no more than one year unless inspection of the effluent level indicates that a longer duration can be used.

Table IV  
Minimum Setback Distances (feet)

Feature	Sewage Tank	Soil Treatment Area
Water Supply well less than 50 feet deep and not encountering at least ten feet of impervious material	50	100
Any other water supply well or buried water suction pipe	50	50
Buried pipe distributing water under pressure	10	10
Buildings	10	20
Property Lines	10	10
The Ordinary High Water Mark of:		

Natural Environment Lakes and Rivers 150 150

Recreational Development Lakes and Streams 75 75

General Development Lakes and Streams 50 50

Wild Rivers 150 150

Scenic Rivers 100 100

Recreational Rivers and Designated Tributaries of Wild Scenic, and Recreational Rivers 75 75

I. Alternative systems. Where limiting soil characteristics exist, special systems of sewage treatment and disposal, including but not limited to those in Appendix A, may be employed provided:

1. reasonable assurance of performance of such system is presented to the permitting authority;

2. the engineering design of such system is first approved by the permitting authority;

3. there is no discharge to the ground surface or to surface waters;

4. treatment and disposal of wastes is in such a manner so as to protect the public health and general welfare; and

5. such systems comply with all applicable requirements of these standards and with all local codes and ordinances.

J. Severability. If any provision of these standards or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions of these standards or application of any other part of these standards which can be given effect without application of the invalid provision. To this end the provisions of all sections, subsections or subdivisions herein and the various applications thereof are declared to be severable.

K. Variance. In any cases where a permit is required by the Agency, and upon application of the responsible person or persons, the Agency finds that by reason of exceptional circumstances the strict enforcement of any provision of these standards would cause undue hardship, that disposal of the sewage, industrial waste or other waste is necessary for the public health, safety

## PROPOSED RULES

or welfare, or that strict conformity with the standards would be unreasonable, impractical or not feasible under the circumstances, the Agency in its discretion may permit a variance therefrom upon such conditions as it prescribe for prevention, control or abatement of pollution in harmony with the general purpose of these standards and the intent of applicable state and federal laws.

### Appendix A Alternative Systems

A. General. The intent of this appendix is to provide guidelines for the design, location, installation, use and maintenance of alternative sewage treatment systems in areas of limiting soil characteristics, or where a standard system cannot be installed or is not the most suitable treatment. Where such systems are employed, they shall comply with all local codes and ordinances, and be subject to timely inspections to assure adherence to specifications.

#### B. Adoption and use.

1. Where WPC-40 is administered by a local unit of government, those local units of government may adopt this appendix, in whole or in part of a local code or ordinance. Nothing in WPC-40 or this appendix, however, shall require the adoption of any part of this appendix as local ordinance or code. Further, nothing in WPC-40 or this appendix shall require local units of government to allow the installation of any system in this appendix.

2. Where these standards are administered by the Agency or the Minnesota Department of Health, these standards define the minimum requirements for alternative systems.

#### C. Class I alternatives — modified standard systems.

1. Extreme caution and careful planning shall be employed wherever limiting characteristics including, but not limited to water table or bedrock, exist within two feet of the original ground surface.

#### 2. Fluctuating ground water.

a. Where natural drainage will not provide three feet of separation between the bottom of the soil treatment area and the highest known or calculated level of the water table, agricultural drain tile may be used to

intercept or lower the seasonal high water table, except within shorelands of public waters. There shall be at least ten feet of undisturbed soil between the sidewall of the soil treatment unit and the agricultural drain tile.

b. Within shorelands of public waters, agricultural drain tile may be used to intercept the seasonal high water table provided the ground water table has a slope of at least two feet per hundred feet toward the public water and provided the drain tile are installed upslope of the soil treatment system. There shall be at least 20 feet of undisturbed soil between the sidewall of the soil treatment unit and the agricultural drain tile.

c. In all cases the greatest practicable vertical separation distance from the water table shall be provided.

3. Bedrock proximity. In no case shall filter material of the soil treatment system be placed closer than three feet to creviced bedrock or to consolidated permeable bedrock. When all horizons of the original soil profile have percolation rates slower than 60 minutes per inch, filter material of the soil treatment system shall be placed no closer than seven feet to consolidated impermeable bedrock. A maximum depth of 24 inches of sand may be used under the filter material. Where additional fill is required to achieve the required separation distance, a soil having a percolation rate between five and 45 minutes per inch (loamy sand to silt loam) 12 months after placement shall be used. If it is not possible to allow the soil to settle for 12 months after placement, mechanical methods may be used to settle the fill to within ten percent of its *in situ* density.

#### 4. Slowly permeable soils.

a. In no case shall excavation for the purpose of constructing a soil treatment system be made in any soil layer having a percolation rate slower than 120 minutes per inch.

b. In no case shall excavation for the purpose of constructing a soil treatment system be made in a soil layer having a percolation rate slower than 60 minutes per inch unless the moisture content is lower than the plastic limit of the soil.

c. In no case shall filter material be placed in contact with original soil having a percolation rate slower than 60 minutes per inch.

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d. Where the percolation rate of the original soil is slower than 60 minutes per inch, at least six inches but no more than 12 inches of fill material having a percolation rate of between five and 30 minutes per inch (loamy sands and loams) after placement shall be placed between the filter material and the original soil along the excavation bottom and sidewalls.

e. In no case shall construction equipment, wheels or tracks be placed in contact with the bottom of the excavation during the construction of a soil treatment system in soils having a percolation rate slower than 15 minutes per inch.

f. The size of soil treatment system shall be based on the required treatment area for a soil having a percolation rate of 60 minutes per inch as specified in Table III set forth in section (H)(2)(a)(4).

### 5. Rapidly permeable soils.

a. Filter material for a soil treatment unit using gravity distribution of effluent shall not be placed in contact with original soil having a percolation rate faster than one-tenth minute per inch.

b. For coarse soils having a percolation rate faster than one-tenth minute per inch, at least six inches of sandy loam textured soil having a percolation rate between five and 15 minutes per inch after placement (loamy sand to sandy loam) shall be placed between the filter material and the coarse soil along the excavation bottom and sidewalls.

c. For soils with percolation rates between one-tenth and five minutes per inch at least one of the following treatment techniques shall be used:

(1) Provide at least six inches of sandy loam textured soil with a percolation rate between five and 15 minutes per inch after placement between the filter material and the coarse soil.

(2) Distribution of sewage tank effluent by pressure flow over the treatment area as specified in section (G)(1)(b).

(3) Divide the total soil treatment area into at least four equal parts connected serially.

### 6. Flood plain areas.

a. The soil treatment area shall be a trench system with at least 12 inches of filter material below the distribution pipe. There shall be no pipe or other installed opening between the filter material and the soil surface.

b. The trench system shall be located on the highest feasible area of the lot and shall have location preference over all other improvements except the water supply well. The bottom of the trench shall be at least as high as the elevation of the ten year flood. The sewage tank may be located so as to provide gravity flow to the soil treatment area.

c. If a pumping station is used to move effluent from the sewage tank to the drainfield, provisions shall be made to prevent the pump from operating when inundated with flood waters.

d. When fill is needed to raise the elevation of the soil treatment area, a mound system may be used with the following additional requirement: The elevation of the mound shall be such that the elevation of the bottom of the rock layer shall be at least one-half foot above the ten year flood elevation. Inspection wells shall not be installed unless the top of the mound is above the elevation of the regional flood.

e. When the top of the sewage tank is inundated, the dwelling must cease discharging sewage into it. This may be accomplished by either temporarily evacuating the structure until the system again becomes functional, or by diverting the sewage into a holding tank sized and installed according to the requirements below.

f. The building sewer shall be designed to prevent backflow of liquid into the building when the system is inundated. If a holding tank is utilized, the building sewer shall be designed to permit rapid diversion of sewage into the holding tank when the system is inundated.

g. If a holding tank is utilized for a dwelling, its liquid capacity shall be equal to 100 gallons times the number of bedrooms times the number of days between the ten year stage on the rising limb of the regional flood hydrograph and the ten year stage on the falling limb of the hydrograph, or 1,000 gallons, whichever is greater. For other establishments see Appendix A, section (F).

h. Whenever the water level has reached a stage above the top of the sewage tank, the tank shall be pumped to remove all solids and liquids after the flood has receded before use of the system is resumed.

### D. Class II alternatives — reduced area systems.

1. Aerobic tanks. No additional reduction in soil treatment area shall be allowed with the use of an aerobic treatment tank.

2. Separate toilet waste and greywater systems.

a. General.



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(1) A toilet waste treatment device shall be used in conjunction with a greywater system.

(2) In all cases, only toilet wastes shall be discharged to toilet waste treatment devices. Greywater or garbage shall not be discharged to the device except as specifically recommended by a manufacturer.

### b. Toilet waste treatment devices.

(1) Toilet waste treatment devices shall be considered as one of two types: I — privies; and II — other devices, including, but not limited to, incinerating, composting, biological, chemical, recirculating or holding toilets.

#### (2) Type I — privies.

(a) Pit privies shall not be installed where the bottom of the pit is less than three feet above the water table. A vault privy shall be used in areas of high ground water. The vault of a vault privy shall be constructed in the same manner as a septic tank. See section (F)(1).

(b) Privies shall be set back from surface waters the same distance as required for buildings and from property lines and water supply wells the same distance as required for soil treatment areas.

(c) Pits or vaults shall be of sufficient capacity for the residence they serve, but shall have at least 50 cubic feet of capacity.

(d) The sides of the pit shall be curbed to prevent cave-in.

(e) The superstructure shall be constructed so as to be easily cleaned, and it shall be insect proof. The door and seat shall be self closing. All openings including vent openings, shall be screened.

(f) Privies shall be adequately vented.

(g) When the pit is filled to within one foot of the top the solids shall be removed or a new pit shall be constructed. The abandoned pit shall be filled with clean earth and slightly mounded to allow for settling. Removed solids shall be disposed of by land application in accordance with Agency guidelines for septage disposal and all local ordinances and codes.

(h) All liquids and soils removed from a vault privy shall be treated and disposed of by application in accordance with the Agency's septage disposal guidelines.

### (3) Type II — other devices.

(a) Other devices may be used where reasonable assurance of performance is provided.

(b) All Type II devices shall be vented.

(c) All electric, gas and water connections to a Type II device shall conform to all local ordinances and codes.

(d) Operation and maintenance of all Type II devices shall follow the manufacturer's recommendations.

(4) All materials removed from a Type I or II toilet waste treatment device, including but not limited to, ashes, compost and all solids and liquids shall be disposed of in a public sewage system or by land application in accordance with the Agency's septage disposal guidelines and all local ordinances and codes.

### c. Greywater system.

#### (1) Plumbing.

(a) The drainage system in new systems shall be based on a pipe diameter of two inches to prevent installation of a water flush toilet. There shall be no openings or connections to the drainage system, including floor drains, larger than two inches in diameter. For repair or replacement of an existing system, the existing drainage system may be used.

(b) Toilets or urinals of any kind shall not be connected to the drainage system. Toilet waste or garbage shall not be discharged to the drainage system.

(c) Garbage grinders shall not be connected to the drainage system.

(2) Building sewer. The building sewer shall meet all requirements of section (E) except that the building sewer for a greywater system shall be at least two inches in diameter.

#### (3) Sewage tank.

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(a) Greywater septic tanks shall meet all requirements of section (F)(1), except that the liquid capacity of a greywater septic tank serving a dwelling shall be based on the number of bedrooms contemplated in the dwelling served and shall be at least as large as the capacities given below (see sections (B)(6) and (C)(2)(e)):

Table A-1

Number of Bedrooms	Tank Liquid Capacity (gallons)
2 or less or hand pump	300
3 or 4	500
5 or 6	750
7, 8 or 9	1,000

(b) For ten or more bedrooms or other establishments, the greywater septic tank shall be sized as for an other establishment (see section (F)(2)(b)(2)) except that the minimum liquid capacity shall be at least 300 gallons.

(c) Greywater aerobic tanks shall meet all requirements of section (F)(3).

(4) Distribution and dosing. Distribution and dosing of greywater shall meet all requirements of section (G).

### (5) Final treatment and disposal.

(a) Standard system. A standard greywater system shall meet all requirements of sections (H)(1) and (2).

(b) Alternative system. A greywater mound system shall meet all requirements of Appendix A, section (E)(1).

### 3. Seasonal use.

a. Where a commercial establishment is occupied or used for less than 180 days per year and less than 120 days consecutively, the maximum daily sewage flow shall be determined and the average daily sewage flow shall be computed by dividing the total annual estimated or measured sewage flow by 365 days. The size of the soil treatment system shall be based on the average daily sewage flow and the areas specified in Table III set forth in section (H)(2)(a)(4). All other requirements of soil treatment system construction shall be followed.

b. The maximum daily sewage flow shall be used to determine sewage tank size for other establishments. There shall be no reduction in the size of sewage tanks for seasonal use.

c. In no case shall a seasonal use establishment

be converted to full-time use until the soil treatment system meets the size requirements of Table III set forth in section (H)(2)(a)(4).

E. Class III Alternatives — advanced alternative system.

### 1. Mounds.

a. Mounds may be constructed on soils having the site or soil conditions specified in Appendix A, section (C).

b. The soil percolation rate in all layers of the natural or fill soil to a depth of at least 24 inches below the sand, as specified in Appendix A, section (E)(1)(1), shall be faster than 120 minutes per inch.

c. Below the sand layer there shall be at least one layer of soil, either natural or fill, at least 12 inches thick, which has a percolation rate slower than five minutes per inch (loamy sand).

d. Wherever possible, mounds shall be located on flat areas or crests of slopes. Mounds shall not be located on natural slopes of more than three percent if the percolation rate is slower than 60 minutes per inch to a depth of at least 24 inches below the sand layer.

e. Mounds shall not be located on slopes exceeding six percent if the soil percolation rate is slower than 30 minutes per inch to a depth of at least 24 inches below the sand layer.

f. Mounds shall not be located on natural slopes exceeding 12 percent under any soil percolation rate conditions.

g. The bottom area of the filter material shall be sized on the basis of 0.83 square feet per gallon of waste per day.

h. In no case shall the width of the filter material in a single bed exceed ten feet.

i. A rubber tired tractor may be used for plowing or discing but in no case shall a rubber tired tractor be used after the surface preparation is completed where the soil is slower than 15 minutes per inch. A crawler or track type tractor shall be used for mound construction where the soil is slower than 15 minutes per inch.

j. The discharge pipe from the pump to the mound area shall be installed prior to soil surface preparation. The trench shall be carefully backfilled and compacted to prevent seepage of effluent.

## PROPOSED RULES

### k. Soil surface preparation.

(1) The total area selected for the mound, including the dikes shall be plowed to a depth of at least eight inches or the sod layer broken and roughened by backhoe teeth. Furrows shall be thrown uphill and there shall be no deadfurrow under the mound. The soil shall be plowed only when the moisture content of a fragment eight inches below the surface is below the plastic limit.

(2) In soils having percolation rates faster than 15 minutes per inch (sandy loam) in the top eight-inch depth, disking may be used for surface preparation as a substitute for plowing.

(3) Mound construction shall proceed immediately after surface preparation is completed.

1. A minimum of twelve inches of soil defined as sand shall be placed where the filter material is to be located. A crawler tractor with a blade shall be used to move the sand into place. At least six inches of sand shall be kept beneath equipment to minimize compaction of the plowed layer. The sand layer upon which the filter material is placed shall be level.

m. A depth of at least nine inches of filter material shall be placed over the bed area below the distribution pipe.

n. Distribution of effluent over the filter material shall be either by four-inch distribution pipes with gravity flow from a distribution box or by perforated pipe under pressure from a manifold.

### o. Gravity distribution.

(1) The four-inch distribution pipes shall be rigid plastic with holes at least one-half inch diameter spaced no further than 36 inches. One row of holes shall be laid at the bottom of the pipe.

(2) The distribution pipe shall slope downward two inches per 100 feet away from the distribution box.

(3) The far ends of the distribution pipe shall be connected.

(4) The distribution pipes shall be spaced no further than five feet apart and no further than 30 inches from the edge of the filter material.

(5) The distribution pipes shall connect to the outlets of a distribution box.

(6) The quantity of effluent per pump dose shall be at least 150 gallons per bedroom for dwellings. For other establishments the dose shall be at least 25 percent of the estimated or measured daily sewage flow.

### p. Pressure distribution.

(1) Perforation holes shall be as set forth in Table I set forth in section (G)(1)(b). Holes shall be drilled straight into the pipe and not at an angle.

(2) The perforated pipe laterals shall be connected to a two-inch diameter manifold pipe with the ends capped. The laterals shall be spaced no further than 40 inches on center and no further than 20 inches from the edge of the filter material.

(3) The perforated pipe laterals shall be installed level with the perforations downward.

(4) The manifold pipe shall be connected to the supply pipe from the pump. The manifold shall be sloped toward the supply pipe from the pump.

q. At least two inches of filter material shall be placed over the lateral or distribution pipes.

r. Straw or marsh hay to an uncompacted depth of three to four inches shall be placed over the filter material.

s. Construction vehicles shall not be allowed on the filter material until backfill is placed.

t. Sandy loam soil shall be placed on the filter material to a depth of one foot in the center of the mound and to a depth of six inches at the sides.

u. A maximum of two ten-foot wide beds may be installed side by side in a single mound if the soil percolation rate is between five and 60 minutes per inch to a depth of at least 24 inches below the sand layer. The beds shall be separated by four feet of sand.

v. When two beds are installed side by side the sandy loam fill at the center of the mound shall be 18 inches deep and six inches deep at the sides.

w. Six inches of topsoil shall be placed on the fill material over the entire area of the mound.

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x. A grass cover shall be established over the entire area of the mound.

y. No shrubs shall be planted on the top of the mound. Shrubs may be placed at the foot and side slopes of the mound.

z. The side slopes on the mound shall be no steeper than three to one.

aa. Whenever mounds are located on slopes, a diversion shall be constructed immediately upslope from the mound to intercept and direct runoff.

bb. A pump shall be used as specified in section (G)(2)(c).

### 2. Collector systems.

#### a. General.

(1) Where site or soil conditions do not allow for final treatment and disposal on an individual lot, a system whereby a soil treatment system is located on another lot or lots may be employed, where approved by the local unit of government.

(2) Plans and specifications shall comply with local ordinances on such issues as zoning, joint ownership of land, joint maintenance responsibilities, easements, and other considerations and shall be approved by the local unit of government.

#### b. Design.

(1) Common soil treatment system. The size of common soil treatment systems shall be based on the sum of the areas required for each residence.

(2) Sewage tanks. The system shall be designed with each residence having a sewage tank or with a common sewage tank. In the case of a common tank, the capacity of the tank shall be sized according to section (F)(2)(b)(2) except that the minimum capacity shall be at least 3,000 gallons, and shall be compartmented if in a single tank.

#### (3) Sewers.

(a) Sewer systems shall be designed on an estimated average daily flow for dwellings based on Table II, set forth in section (H)(2)(a)(3), plus estimated flows from other establishments.

(b) The sewer for systems with common sewage tanks shall be so constructed to give mean velocities, when flowing full, of not less than two feet per

second. The sewer for systems with individual sewage tanks shall be so constructed and designed to hydraulically conduct the flow for which they were designed. In no case shall a gravity sewer be less than four inches in diameter.

(c) Infiltration or exfiltration shall not exceed 200 gallons per inch of pipe diameter per mile per day.

(d) Cleanouts, brought flush with or above finished grade, shall be provided wherever a common sewer joins an individual building sewer or piping from an individual sewage tank, or every 100 feet, whichever is less, unless manhole access is provided.

(e) There shall be no physical connection between sewers and water supply systems. Sewers shall be set back from water supply systems and piping as required for building sewers. See section (E)(3). Where it is not possible to obtain proper separation distances, the sewer connections shall be watertight and pressure tested as in section (E)(3).

### (4) Pumps and pump stations.

(a) Pump stations shall be watertight.

(b) Pump stations shall have manholes flush with or above finished grade for cleaning and maintenance.

(c) Manhole covers shall be so constructed as to prevent unauthorized entry.

(d) Pumps and pump stations shall be sized to handle peak flows.

(e) An alarm system shall be provided for all pumping stations to warn of pump failure, overflow or other malfunction.

c. Maintenance. All persons using a common drainfield system shall assure, by contract with maintenance personnel or other equivalent means, that the system will be adequately maintained throughout its useful life. The system so maintained includes, but is not limited to, common drainfields, common sewage tanks, common pumps, common pump stations, common sewers and all individual tanks connected to the common system.

### 3. Sewage osmosis.

a. The Electroosmosis System (a proprietary installation process under U. S. and Canadian patents) may be permitted as an alternative system in clay soils

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having percolation rates slower than 60 minutes per inch.

### b. Standards and criteria for approval:

(1) Installation shall comply with all applicable requirements for standard systems contained in these regulations as pertain to system location, water table and bedrock separation distances, septic tanks, pumping stations, distribution or drop boxes, and materials.

(2) Conditions for installation and reporting of performance shall be subject to the provisions in Appendix A, section (E)(5).

### 4. Seepage pits.

a. Seepage pits may be used for disposal of sewage tank effluent only when it can be clearly demonstrated that a standard drainfield system or mound system is not feasible on the particular site in question and when such use is indicated by favorable conditions of soil, ground water level or topography and where such use does not reduce the safety of surrounding ground water supplies. In areas where limestone or any geological formation characterized by similar fault patterns is covered by less than 50 feet of earth, seepage pits shall not be installed. The pit excavation shall terminate at least three feet above the highest known or calculated ground water table. The depth of the excavation shall not exceed 50 percent of the depth of any well casing in the area or ten feet, whichever is least.

b. When two or more seepage pits are used, a distribution box constructed in accordance with section (G)(1)(a)(2)(b) shall be used if the inlet inverts of the seepage pits have no more than one foot difference in elevation. If the difference in elevation between the inlet inverts is greater than one foot, the seepage pits shall be connected in series.

c. Seepage pits, in addition to the general provisions under section (H)(2)(c) shall be set back not less than the stated minimum distances from the following:

(1) Wells less than 50 feet in depth and not encountering at least 10 feet of impervious material ..... 150 ft.

(2) Any water supply well or buried water suction pipe ..... 75 ft.

(3) Buildings ..... 20 ft.

(4) Property lines and buried pipe distributing water under pressure ..... 10 ft.

(5) Other seepage pits . . . three times the diameter of the largest pit (edge to edge)

d. Effective soil treatment area of a seepage pit shall be calculated as the sidewall area below the inlet, exclusive of any hardpan, rock or clay formations. The sidewall area shall be based on the outer diameter of the pit lining plus 12 inches of rock in the annular space.

(1) Required treatment area shall be determined by the percolation test described in section (D) and from Tables II and III, set forth in sections (H)(2)(a)(3) and (4), with no reduction for increased filter material below or around the pit. In no case shall a seepage pit be installed in soils where the percolation rate of any stratum is faster than one-tenth minute per inch (coarse sand). A percolation test shall be made in each vertical stratum penetrated by the seepage pit, and the weighted average of the results, exclusive of results from soil strata in which the percolation rate is slower than 30 minutes per inch, shall be computed and applied to the seepage bed column of Table III as indicated.

(2) A minimum of four feet composite depth of porous formation for each installation shall be provided in one or more pits.

(3) All pits shall have an inside diameter of at least five feet.

e. Construction of all seepage pits shall conform to the following requirements:

(1) To prevent cave-in, the pit shall be precast concrete or lined with brick, stone or block at least four inches thick, laid in a radial arch to support the pit walls.

(2) The brick, stone or block shall be laid watertight above the inlet and with open joints below the inlet to provide adequate passage of liquids.

(3) A minimum annular space of 12 inches between the pit lining and excavation wall shall be filled with crushed rock or gravel.

(4) The seepage pit shall be so constructed at

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the top as to be capable of supporting the overburden of earth and any reasonable load to which it is subjected. Access to the pit shall be provided by means of a manhole or inspection hole equipped with a watertight cover. The seepage pit may terminate in a conventional manhole top, frame and cover to a point within 12 inches, but no closer than six inches below finished grade. The manhole cover shall be covered with at least six inches of earth. The top of the seepage pit shall be not less than 12 inches below the ground surface. The top shall be provided with an inspection pipe of not less than four-inch diameter extending through the cover to a point flush with finished ground level. The top of the inspection pipe shall be provided with a readily removable watertight cap.

5. Other systems. Where unusual conditions exist, special systems of treatment and disposal other than those specifically mentioned in Appendix A, sections (E)(1) to (E)(4) above, may be employed provided:

- a. reasonable assurance of performance of such system is presented to the permitting authority;
- b. the engineering design of such system is first approved by the permitting authority;
- c. there is no discharge to the ground surface or to surface waters;
- d. treatment and disposal of wastes is in such a manner so as to protect the public health and general welfare;
- e. such systems comply with all applicable requirements of these standards and with all local codes and ordinances.

### F. Class IV alternatives — holding tanks.

1. General. Holding tanks may be allowed only as replacements for existing non-conforming systems or on existing parcels or lots as of the date of the enactment of these standards and only where it can conclusively be shown that a standard, Class I, Class II or mound system cannot be feasibly installed.

2. Construction. A holding tank shall be constructed of the same materials and by the same procedures as those specified for watertight septic tanks.

3. Access. A cleanout pipe of at least six inches diameter shall extend to the ground surface and be provided with seals to prevent odor and to exclude insects and vermin. A manhole of at least 20 inches least dimension shall extend through the cover to a point within 12 inches, but no closer than six inches below finished grade. The manhole cover shall be covered with at least six inches of earth.

4. Dept of bury. The tank shall be protected against flotation under high water table conditions. This shall be achieved by weight of tank, earth anchors or shallow bury depths.

### 5. Capacity.

a. For a dwelling the size shall be 1,000 gallons, or 400 gallons times the number of bedrooms, whichever is greater.

b. For permanent structures other than dwellings, the capacity shall be based on measured flow rates or estimated flow rates. The tank capacity shall be at least five times the daily flow rate.

### 6. Location. Holding tanks shall be located:

a. In an area readily accessible to the pump truck under all weather conditions.

b. As specified for septic tanks in Table I, set forth in section (G)(1)(b).

c. Where accidental spillage during pumping will not create a nuisance.

7. Contract. A contract for disposal and treatment of the sewage wastes shall be maintained by the owner with a pumper, municipality, agency or firm established for that purpose.

8. Accidental overflow. Holding tanks shall be monitored to minimize the chance of accidental sewage overflows. Techniques such as visual observation, warning lights or bells, or regularly scheduled pumping shall be used. For other establishments, a positive warning system shall be installed which allows 25 percent reserve capacity after actuation.

Figure 1

# VERTICAL SIDEWALL SEPTIC TANK

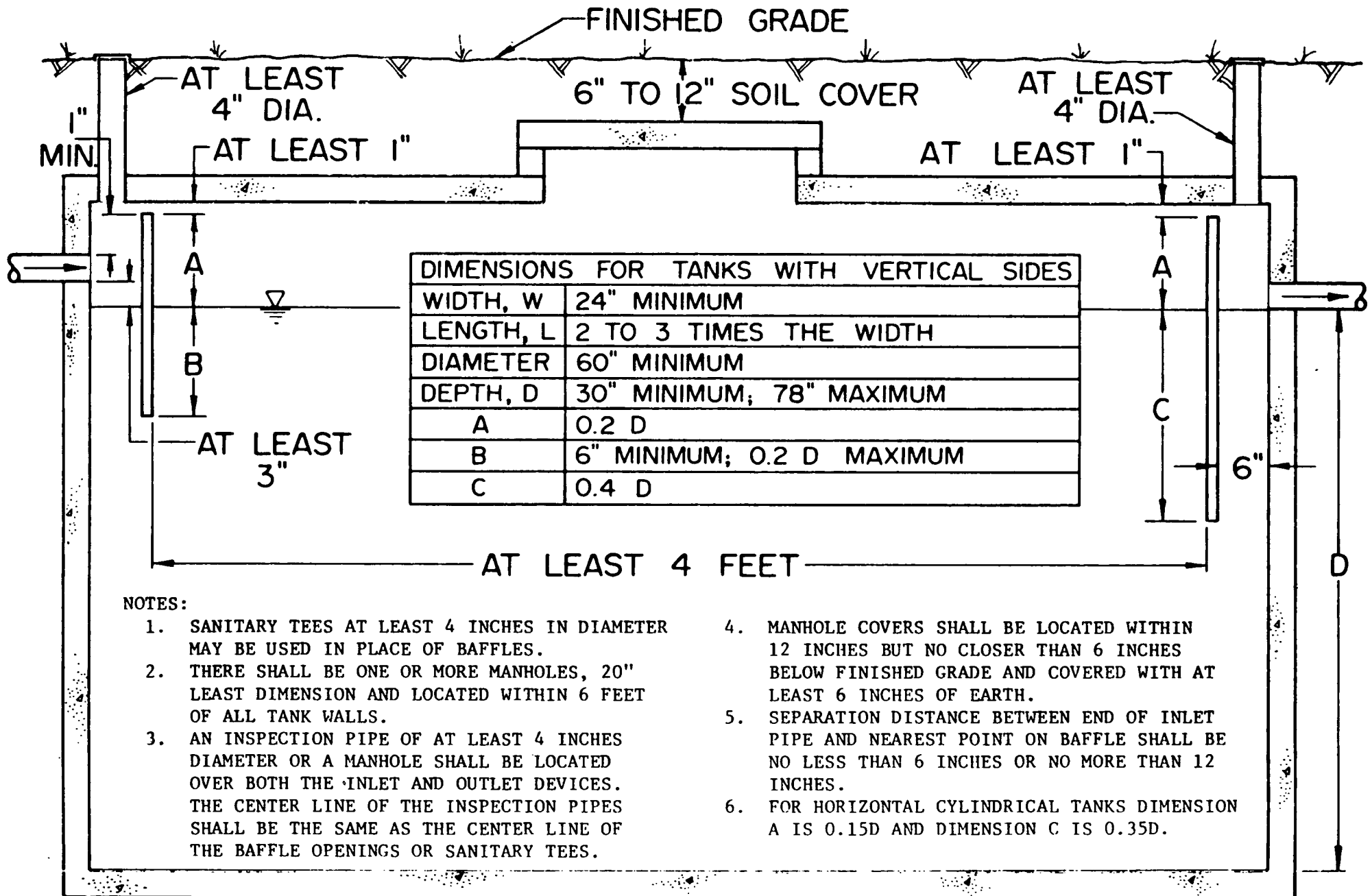
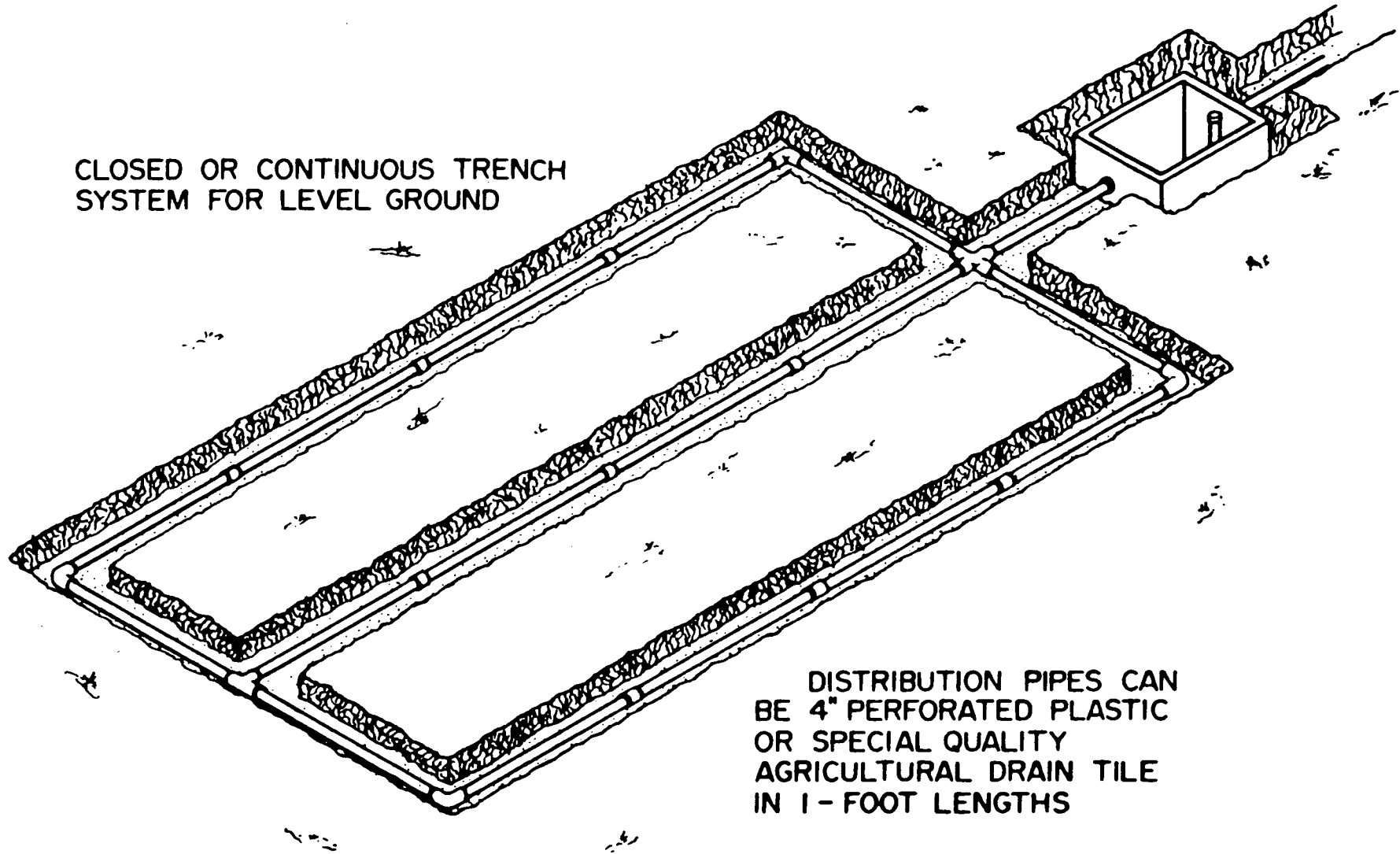


Figure 2

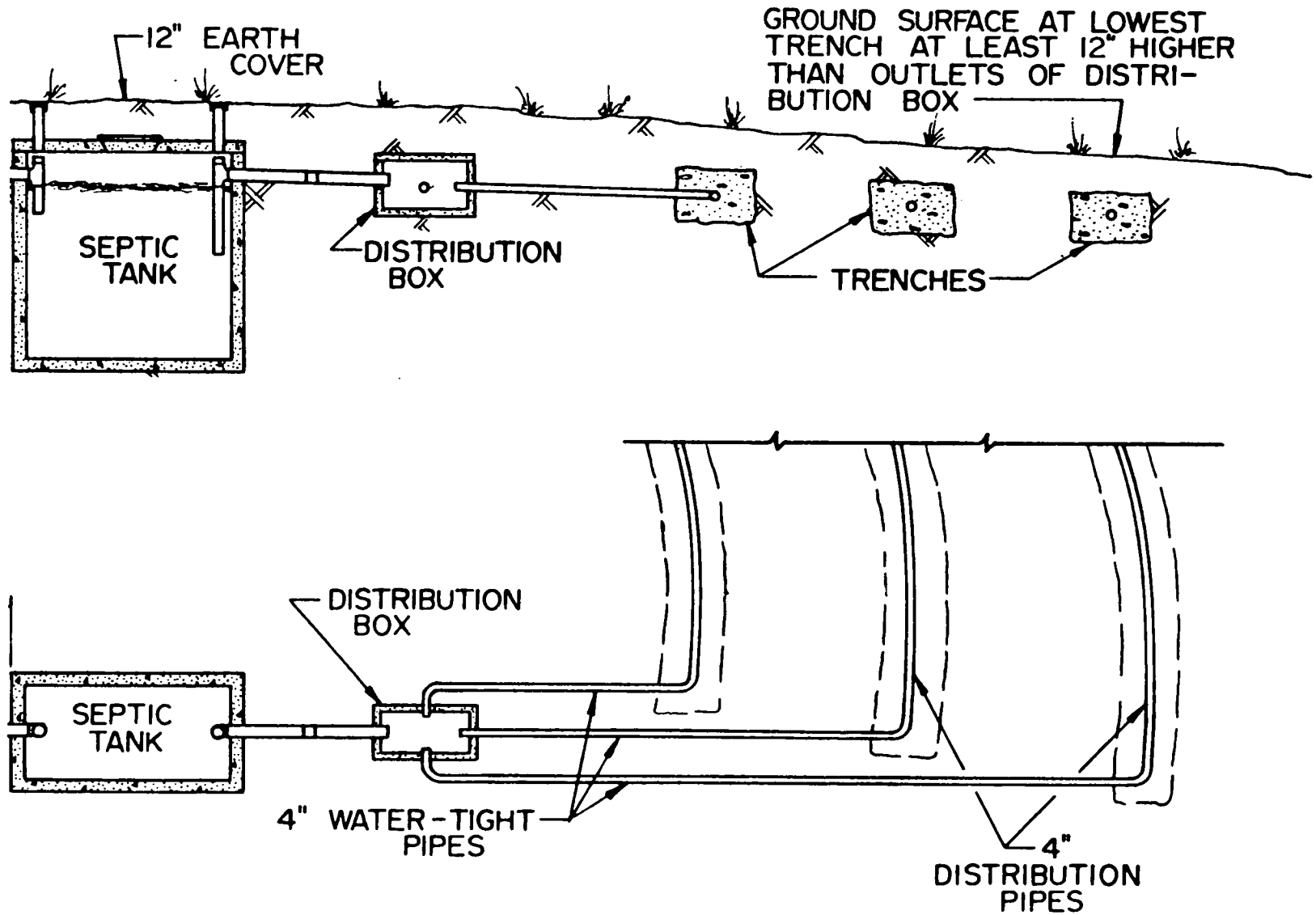
CLOSED OR CONTINUOUS TRENCH  
SYSTEM FOR LEVEL GROUND



DISTRIBUTION PIPES CAN  
BE 4" PERFORATED PLASTIC  
OR SPECIAL QUALITY  
AGRICULTURAL DRAIN TILE  
IN 1-FOOT LENGTHS



Figure 3



## SEWAGE TREATMENT SYSTEM WITH DISTRIBUTION BOX

Figure 4

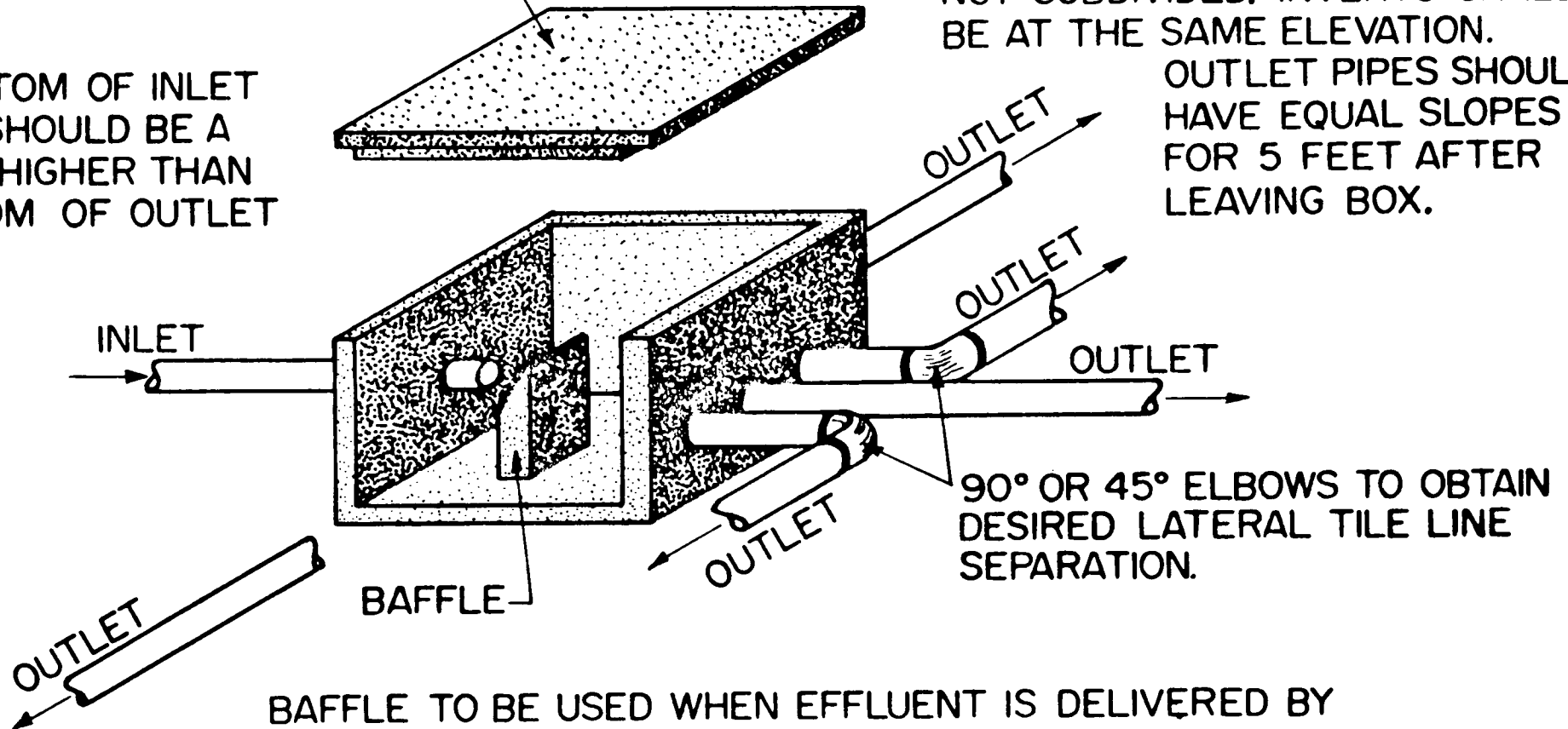
## DISTRIBUTION BOX

REMOVABLE COVER

BOTTOM OF INLET PIPE SHOULD BE A MIN 1" HIGHER THAN BOTTOM OF OUTLET PIPE.

EACH TILE FIELD LATERAL SHALL BE CONNECTED SEPARATELY AND NOT SUBDIVIDED. INVERTS SHALL BE AT THE SAME ELEVATION.

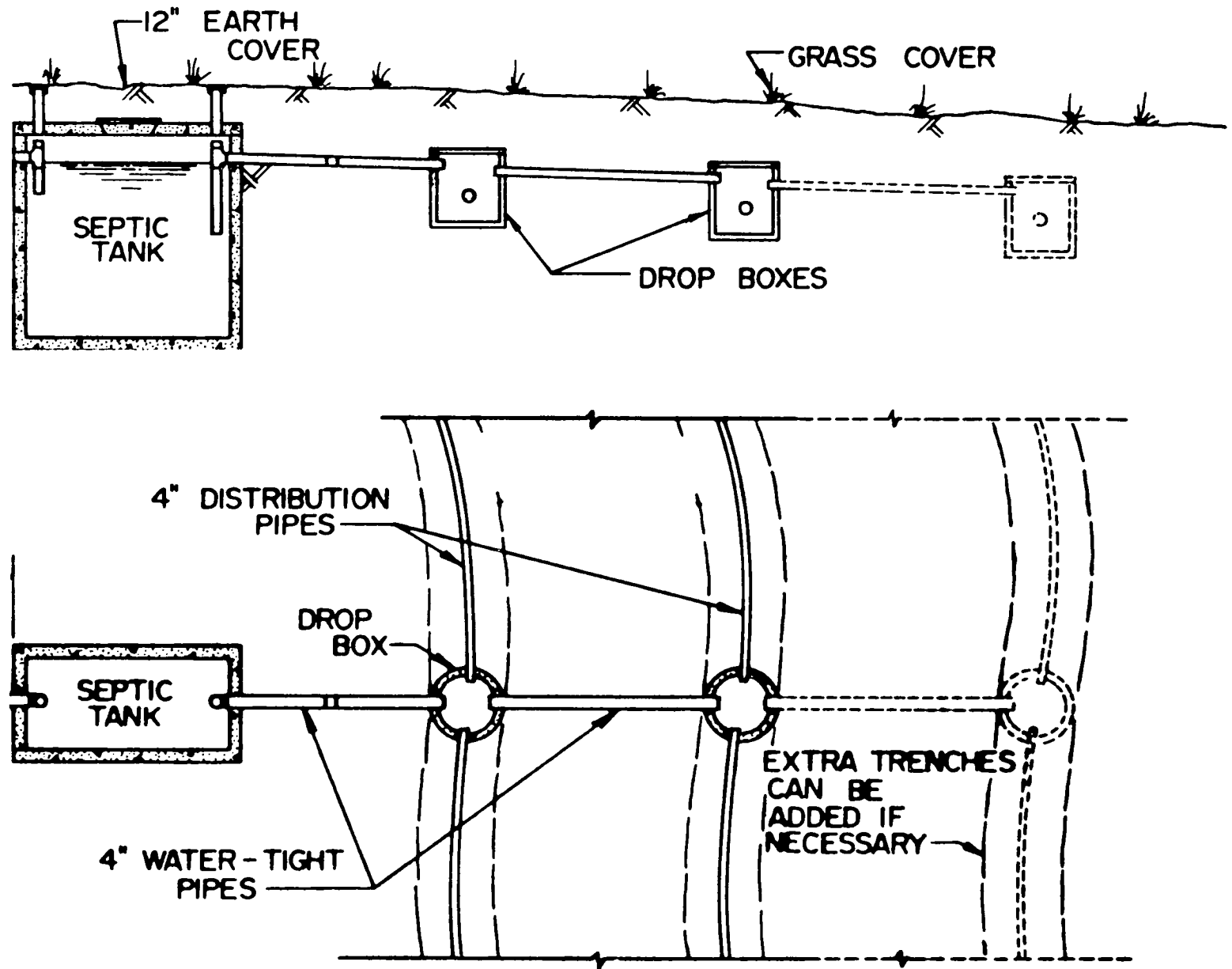
OUTLET PIPES SHOULD HAVE EQUAL SLOPES FOR 5 FEET AFTER LEAVING BOX.



90° OR 45° ELBOWS TO OBTAIN DESIRED LATERAL TILE LINE SEPARATION.

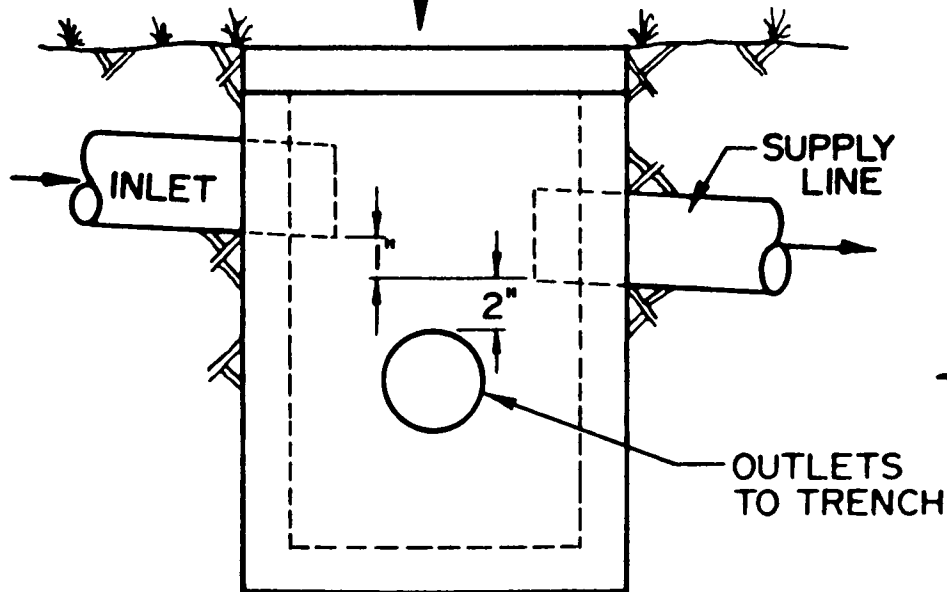
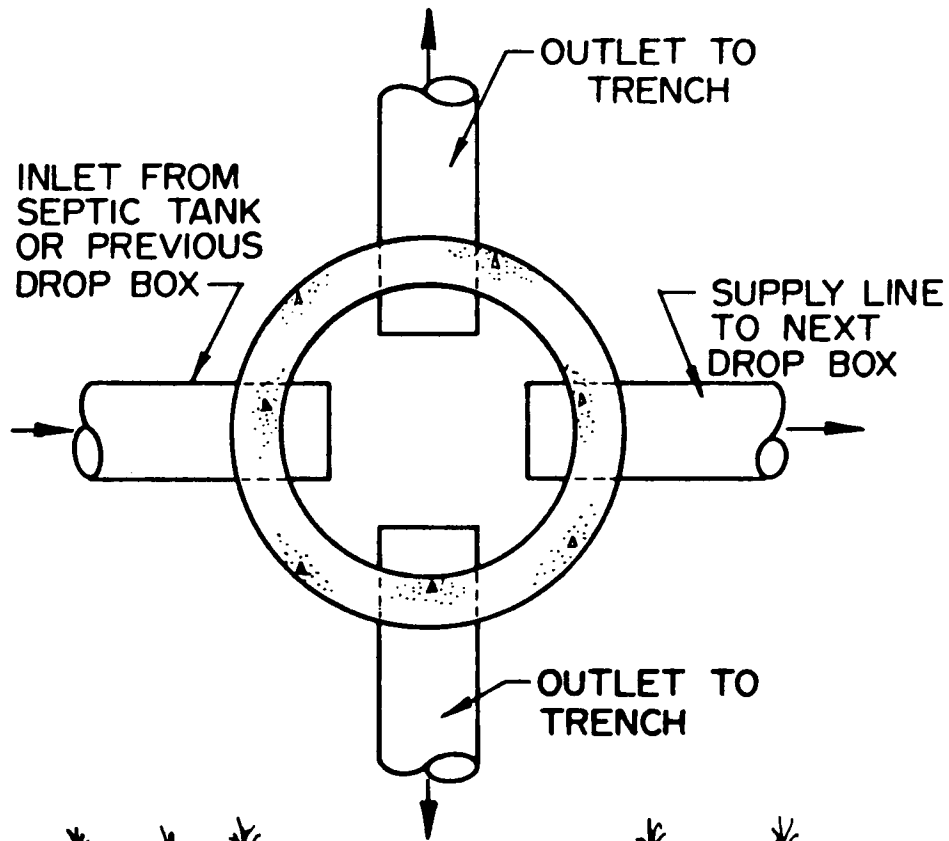
BAFFLE TO BE USED WHEN EFFLUENT IS DELIVERED BY PUMP OR SIPHON, OR THE SLOPE OF THE INLET LINE IS SUCH THAT UNEVEN DISTRIBUTION COULD OCCUR. TOP OF THE BAFFLE AT LEAST LEVEL WITH THE CROWN OF THE INLET PIPE.

Figure 5



## SEWAGE TREATMENT SYSTEM WITH DROP BOXES

Figure 6



DROP BOX

### NOTES

1. ALL PIPES SHOULD BE AT LEAST 4-INCH DIAMETER
2. ELEVATION OF INLET AND SUPPLY LINE TO NEXT DROP BOX MAY BE ADJUSTED UP OR DOWN FOR DESIRED EFFLUENT LEVEL IN TRENCH
3. SUPPLY PIPE SHALL BE AT LEAST TWO INCHES ABOVE INVERT OF OUTLET PIPE
4. INVERT OF INLET MUST BE AT LEAST ONE INCH HIGHER THAN INVERT OF SUPPLY PIPE TO NEXT DROP BOX
5. TRENCHES MAY OUTLET ONE SIDE OR BOTH SIDES OF DROP BOX

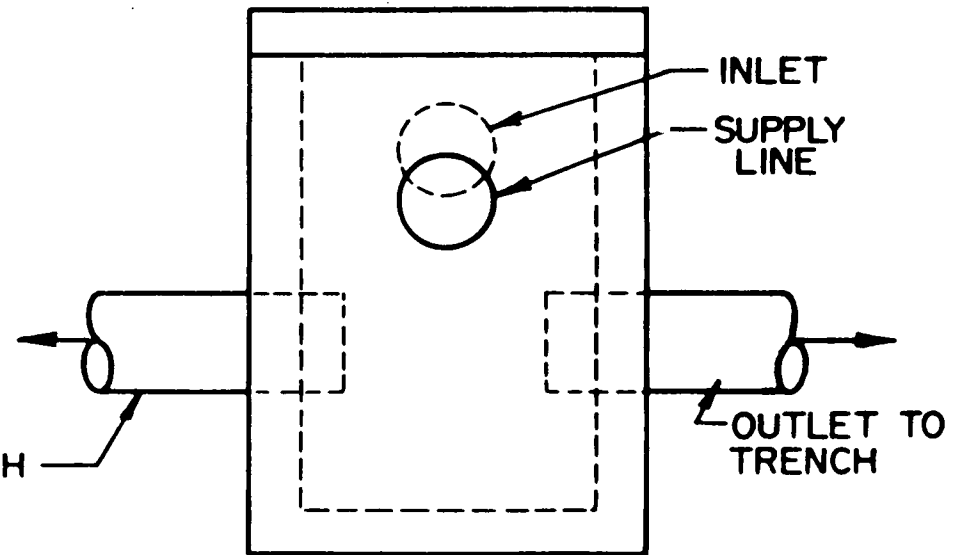


Figure 7

# LAYOUT OF PERFORATED PIPE LATERALS FOR PRESSURE DISTRIBUTION

ALLOWABLE LATERAL LENGTHS IN FEET

PERF. DIA.	PIPE DIA.		
	1"	1 1/4"	1 1/2"
3/16"	36	60	75
7/32"	33	51	63
1/4"	27	42	54

PERFORATION SPACING  
= 3.0 FEET

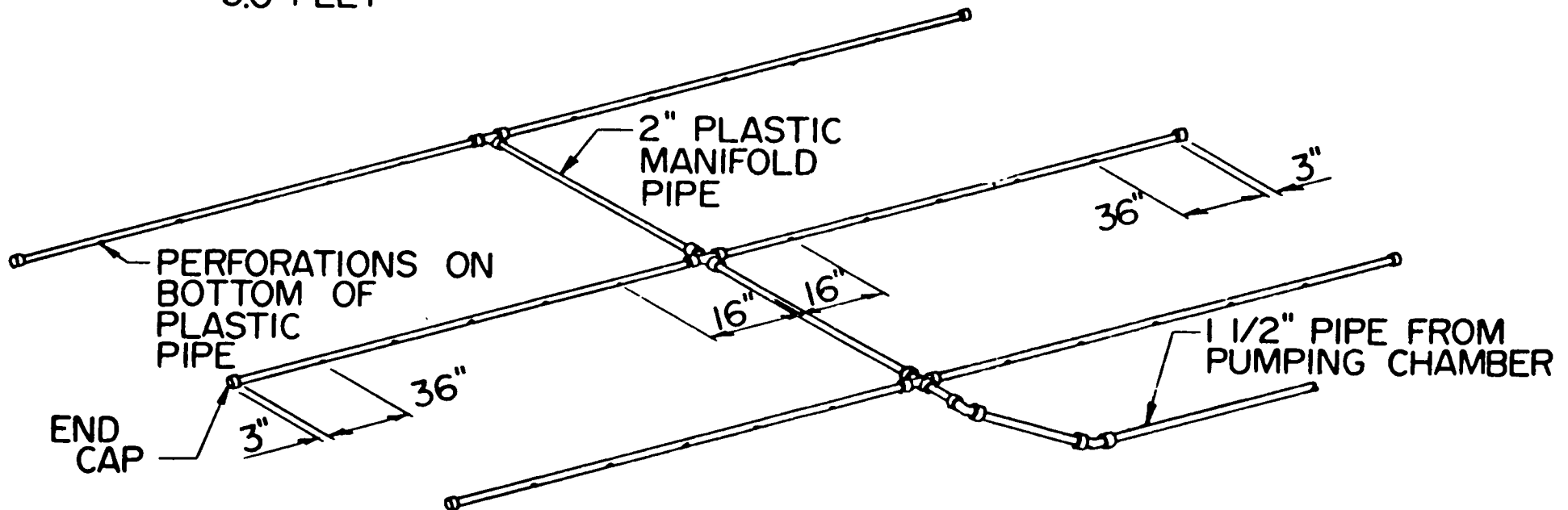
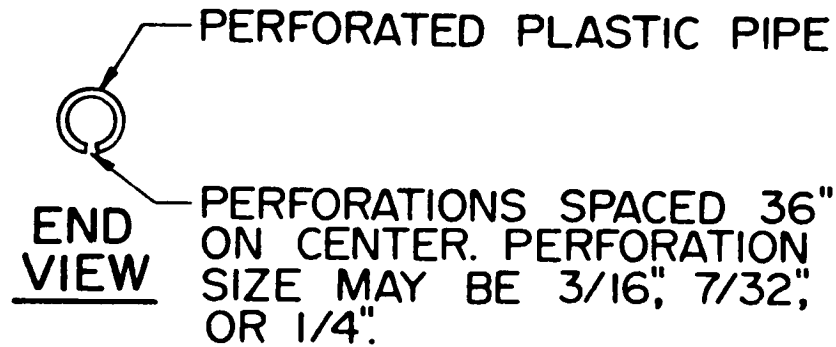
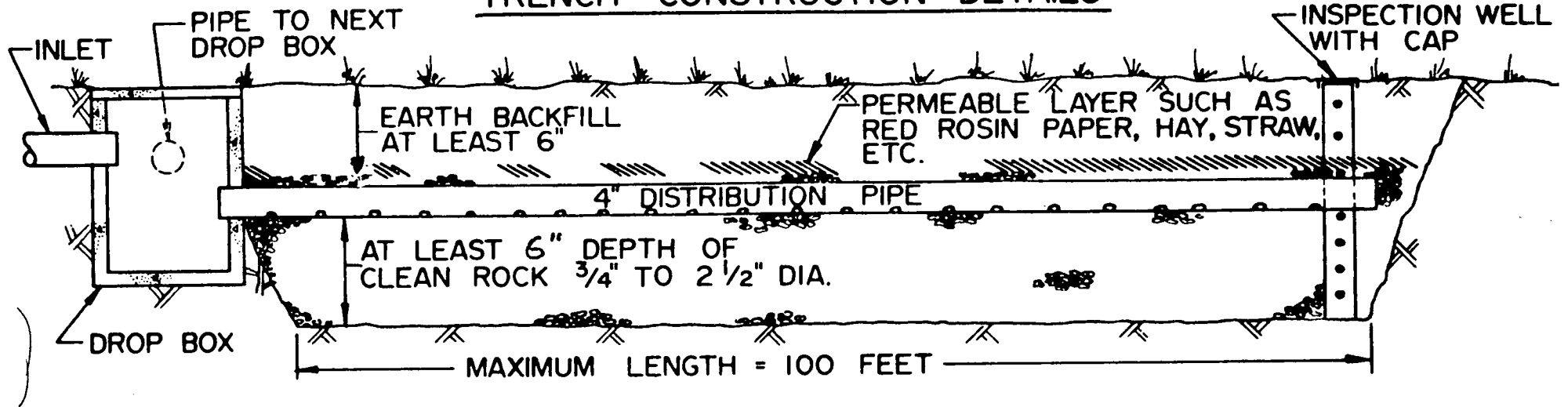


Figure 8

## TRENCH CONSTRUCTION DETAILS



NOTE : BOTTOM OF TRENCH MUST BE FLAT ALONG LENGTH

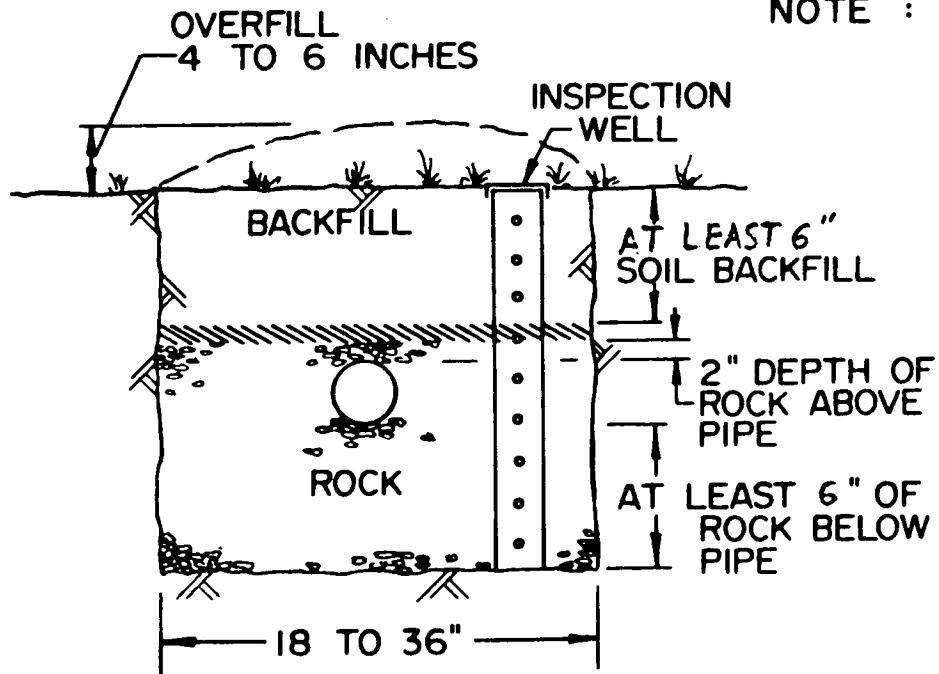
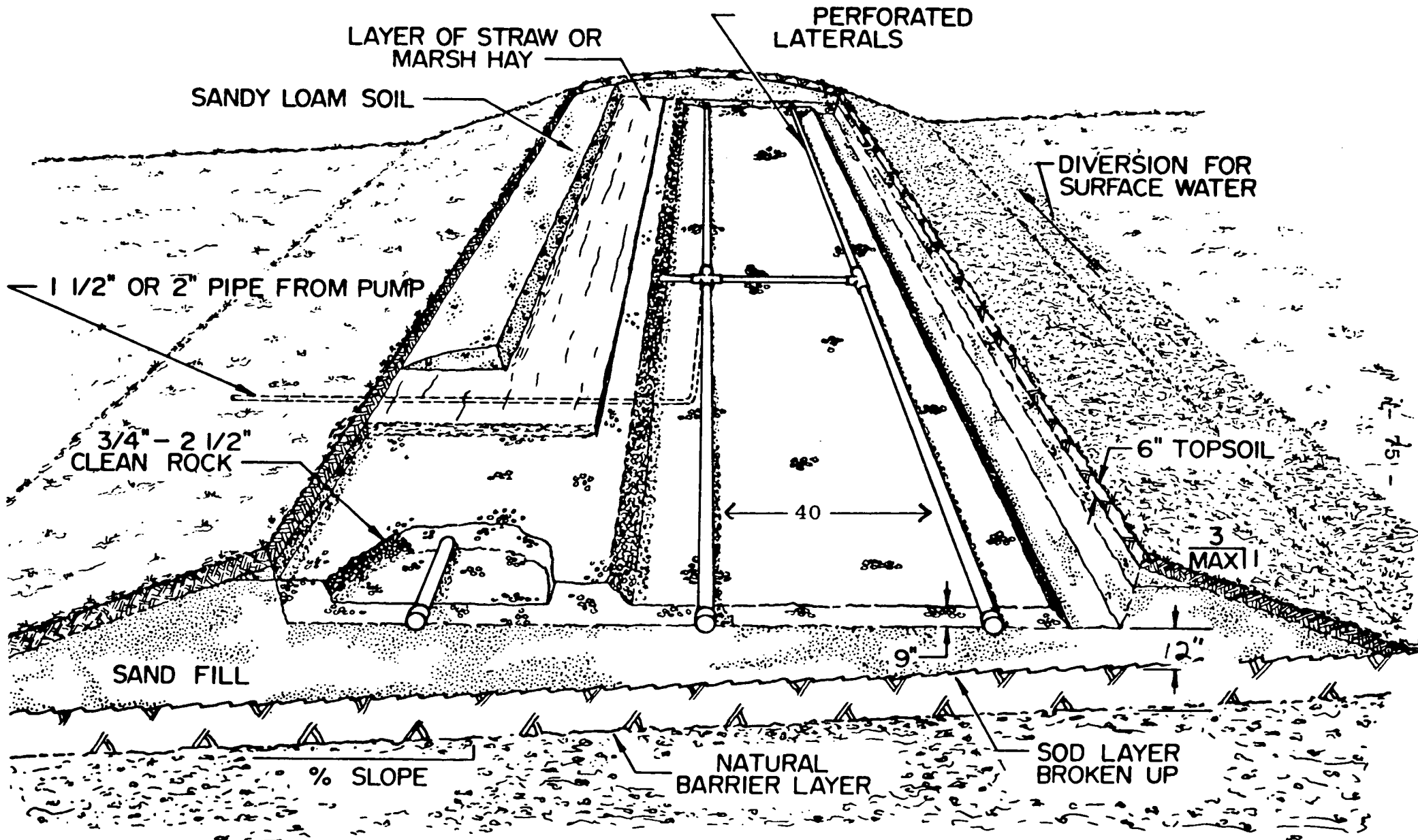


Figure 9



SEWAGE TREATMENT MOUND (PRESSURE DISTRIBUTION)

# OFFICIAL NOTICES

## Department of Education

### Notice of Intent to Solicit Outside Opinion on Rules Governing Emergency Aid to Schools

The Department of Education is drafting rules to implement Laws of 1977, ch. 447, article VI, section 3 changing the qualifications for emergency aid to provide for such aid only in the case of a physical calamity to the school property.

The Department invites interested persons or groups to provide information, comment, and advice on the subject, in writing or orally, to Leo A. Bernat, Supervisor, Research and Statistics Unit, 736 Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101.

All materials received prior to the consideration of the original draft by the state board will be reviewed for such consideration. All written statements received by or before the public hearing will be made part of the public hearing record.

### Notice of Intent to Solicit Outside Opinion on Proposed Rules Governing Experimental Programs in Elementary and Middle Schools

The Department of Education at present has a rule which provides for school districts to have experimental programs in secondary schools. This present rule allows the State Board of Education to provide an exemption to its own rules in order to provide opportunity for school districts to initiate experimental instructional programs which would otherwise be in violation of such rules.

The Department of Education is considering to propose a rule which would provide elementary and middle schools to have the opportunity of working with experimental programs.

The Department invites interested persons or groups to provide information, comment, and advice on this subject, in writing or orally, to Dr. E. Raymond Peterson, Assistant Commissioner of Education, State Department of Education, 657 Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101.

Written statements will be made part of the public hearing record.

## Ethical Practices Board

### Preliminary Agenda for Meeting on Tuesday, October 11, 1977, 1:30 p.m., Room 14, State Office Building

- 1) Minutes (September 7, 1977)
- 2) Election of Chairperson
- 3) Report of Chairperson
- 4) Report of Legal Counsel
- 5) 105% Contribution Limit Discussions
- 6) Advisory Opinion — Kennon V. Rothchild
- 7) Confidentiality Policy and Procedures
- 8) Minn. Stat. § 10A.27, subd. 2 and subd. 4 —  
Legislative Recommendation
- 9) Review of Past Board Decisions
- 10) Executive Director Report
  - a) Financial Statement
- 11) Other Business
- 12) Executive Session Pursuant to Minn. Stat. § 10A.01, subd. 11

## Department of Human Rights

### Settlement Agreements Made between August 1, 1977 and September 16, 1977

In addition to specific remedies, standard agreements reached prior to a hearing contain the following stipulations:

1. The agreement does not constitute an admission by the respondent of a violation of Minn. Stat. ch. 363.
2. The respondent agrees to abide by the provisions of Minn. Stat. ch. 363.

### Department of Human Rights, Complainant, vs. Robert Wieken, Respondent, H-829.

Charge. A person (hereinafter "charging party") filed a charge alleging that Robert Wieken (hereinafter "respondent"), owner of a rental unit, had discriminated against her because of her sex and marital status by refusing to rent to her. The charging party alleged that the respondent refused to rent to her because he wanted a male tenant who would be responsible for yard maintenance. Following an investigation, the Commissioner of Human Rights found that probable cause existed to credit the charging party's allegation of discrimination.



## OFFICIAL NOTICES

Settlement. The charging party and the respondent agreed to voluntarily settle the matter in the following manner:

1. The respondent agreed to pay the charging party the sum of \$100.00.

**Department of Human Rights, Complainant, vs. Graduate Personnel and Keith Stevens, Inc., Respondents, E1984.**

Charge. A person (hereinafter "charging party") filed a charge alleging that Graduate Personnel, acting as agents for Keith Stevens, Inc., (hereinafter "respondents"), denied her the opportunity to apply for a position with the latter respondent because of her sex. She further alleged that the denial to apply was done with the full knowledge and consent of the latter-named respondent, Keith Stevens, Inc. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement. The charging party and the respondent agreed to settle the matter in the following manner:

1. The respondent agent agreed not to comply with requests from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of the Minnesota Human Rights Act.

2. The respondent agreed to pay the charging party the sum of \$1,900.00.

**Department of Human Rights, Complainant, vs. Special School District #1, Minneapolis Public Schools, Respondent, E3077.**

Charge. A person (hereinafter "charging party") filed a charge alleging that Special School District #1 of the Minneapolis Public School System (hereinafter "respondent"), her employer, discriminated against her because of her sex by compensating her less than and placing her in a lower salary step than a male similarly situated who was hired at approximately the same time. Following an investigation, the Commissioner of Human Rights found probable cause to credit the charging party's allegation.

Settlement. The charging party and the respondent agreed to settle the matter as follows:

1. The respondent agreed to pay the charging party the sum of \$964.00 in back wages representing the difference she received in compensation by being placed in a lower step in the salary scale.
2. The respondent also agreed to adjust the charging party's step in the salary scale.

## Pre-Determination Agreements

A pre-determination agreement is an agreement reached prior to the Commissioner's finding of probable or no probable cause. It is signed by the charging party, the respondent, and the Commissioner. A pre-determination agreement may be reached through a departmental procedure called The 30-Day Waiver Process. Prior to a formal investigation by the department, a charging party and a respondent may mutually agree to request that the department waive investigation of the complaint for 30 days while the parties attempt to settle the matter.

**Department of Human Rights, Complainant, vs. Data 100 Corporation, Respondent, E4376.**

Charge. A person (hereinafter "charging party") filed a charge alleging that Data 100 Corporation (hereinafter "respondent"), her employer, discriminated against her on the basis of her sex. The charging party alleged that the respondent paid her less than males who performed the same job. The parties reached an agreement which was approved by the department prior to an investigation.

Agreement. The charging party and the respondent resolved the matter as follows:

1. The respondent agreed to pay the charging party a monthly salary of \$950.00.
2. The Commissioner of Human Rights may review compliance with the agreement.

## Hearing Examiners' Orders

A case that is not settled through conciliation is scheduled for hearing before a state hearing examiner following a notice and order for hearing and complaint issued by the Commissioner of Human Rights. Based upon a case file, testimony and exhibits, a hearing examiner makes findings of fact, conclusions of law and an order.

**Department of Human Rights, Complainant, vs. Robert E. Coppess, Respondent, H756.**

Charge. Persons (hereinafter "charging parties") alleged that Robert E. Coppess (hereinafter "respondent"), owner of a duplex, refused to rent a dwelling to them because of their race. The Commissioner of Human Rights found probable cause to credit the charging parties' allegation. Efforts to conciliate the case were unsuccessful. A complaint was issued and the matter was scheduled for hearing before a State hearing examiner.

Conclusions of Law. The hearing examiner made the following Conclusions of Law:

## OFFICIAL NOTICES

1. The respondent engaged in an unfair discriminatory practice in that his refusal to rent a dwelling to the charging parties was based upon race and color in violation of Minn. Stat. ch. 363.

2. The charging parties are entitled to punitive damages from the respondent in the total amount of \$650.00.

Order. The hearing examiner made the following order:

1. That the respondent cease and desist from discriminating against any person upon the basis of race or color.

2. That the respondent pay the charging parties the sum of \$650.00 as punitive damages.

**Department of Human Rights, Complainant, vs. Kraftco Corporation, Respondent, E2708, 2707, 2191, and 2123.**

Charge. Four persons (hereinafter "charging parties") filed separate charges alleging that Kraftco Corporation (hereinafter "respondent") maintained a system of employment that discriminated against them on the basis of their marital status. The charging parties alleged that the company handbook stated that no more than one member of an immediate family could be employed in any company location on a full-time permanent basis. The charging parties maintained that such a policy resulted in lower wages and less benefits for a person who worked part-time on a temporary basis because his/her spouse was a full-time permanent employee. Following an investigation, the Commissioner of Human Rights found probable cause existed to credit the charging parties' allegations. Attempts to conciliate were unsuccessful, and the matter was scheduled for public hearing.

Conclusions of Law. The hearing examiner made the following Conclusions of Law:

1. The respondent's policy constitutes discrimination based on marital status.

2. The action satisfied the prerequisites for a class action and was certified as a class action on behalf of a class including certain persons who were affected by the respondent policy on or after May 1, 1974.

Order. The hearing examiner made the following Order:

1. That a hearing on the issue of damages is set for October 15, 1977.

2. That the respondent cease and desist from discriminating against any person or group of persons on the basis of marital status.

## Hearing Notices

Department of Human Rights, Complainant, on behalf of Kenneth and Beatrice Ruegema vs. The City of Minneapolis, Police Department, Respondent, November 16, 1977, 9:00 a.m., Hennepin County Government Center, Room D, 1300 South 6th Street, Minneapolis.

## Department of Transportation

### Notice of Petition Filed with the Commissioner of Transportation Regarding Removal of Railroad Trackage in St. Cloud

Notice is hereby given that Burlington Northern Incorporated, 176 East Fifth, Street, Saint Paul, Minnesota 55101 has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1976) (as amended) and § 218.041 subd. 3 (10) (1976) (as amended) to remove spur trackage at St. Cloud, Minnesota, formerly serving Northern States Power Company and Robel Beef Packers (Sec. 13, T. 124N, R. 28W).

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before October 24, 1977. The objection should state specifically how the objector's interest will be adversely affected by the proposed action. Upon receipt of a written objection the Commissioner will, with respect to the named petitioner, set the matter down for hearing. The Commissioner may also elect to hold a contested case hearing if no objections to the petition or application are received in matter.

If this matter is set for hearing, an objecting party will be required to file a notice of appearance and petition for intervention to become a party to the proceedings. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington  
Commissioner

### Notice of Contested Case Hearing on Burlington Northern Service to Tenstrike; Kelliher; Wisher; and Mizpah, Minnesota

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter

## OFFICIAL NOTICES

will be held on October 25, 1977 at 9:30 A.M., in the City Hall, Main Street, Northome, Minnesota 56661.

The hearing will be held before Ms. Natalie Gaul, 1745 University Avenue, Saint Paul, Minnesota 55104, (Telephone: 612-296-8111), a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. § 15.0411 through Minn. Stat. § 15.052 and Minnesota Rules HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Mr. Gordon W. Boldt, Chief, Railroad Operations Section, 419 Transportation Building, Saint Paul, Minnesota 55155.

The purpose of the hearing is to ensure that under the provisions of Minn. Stat. § 219.85 (1976) all parties and potential parties of interest are given an opportunity to be heard on the proposed rearrangement of agency service along its lines of railroad from Tenstrike to Kelliher to Wisner, Minnesota, and to close and remove its depot at Mizpah, Minnesota.

The petitioner proposes to rearrange the agency alignments as follows:

(a) Base agency service at Big Falls will be terminated.

(b) The triplized agency of Northome, Mizpah and Kelliher will be discontinued.

(c) Blackduck and Kelliher will become a dualized base agency. The freight agent will be headquartered at Blackduck and will travel to Kelliher only as his duties demand. To the Blackduck-Kelliher agency will be assigned Tenstrike, Hines, Funkley and Shooks as "blind sidings".

(d) Northome will become a full-time base agency and will be assigned Mizpah, Gemmell, Ridge, Margie, Big Falls, Grand Falls and Wisner as "blind sidings".

Petitioner proposes to retain the freight depots at Blackduck, Kelliher and Northome for the transaction of railroad business with the public. The freight depot at Big Falls will be retained for internal railroad use only. The freight depot at Mizpah will be closed and removed from the premises.

**All parties are advised** that if a party intends to appear at the hearing scheduled for October 25, 1977 at 9:30 A.M., the Notice of Appearance form enclosed with this order

must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. **Should a party fail to appear at the hearing, the allegations made in the petition may be taken as true.**

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155 (Telephone: 612-296-2874). They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript. Parties are entitled to issuance of subpoenas to compel witnesses to attend and produce documents and other evidence.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington  
Commissioner of Transportation

### Notice of Appearance

Notice of Hearing: October 25, 1977

Name and Telephone Number of Hearing Examiner:

Ms. Natalie Gaul  
1745 University Avenue  
Saint Paul, Minnesota 55104  
296-8111

To the Hearing Examiner:

You are advised that the party named below will appear at the above hearing.

Name of Party: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Party's Attorney or Other Representative: \_\_\_\_\_

Signature of Party or Attorney: \_\_\_\_\_

Date: \_\_\_\_\_

## OFFICIAL NOTICES

### **Notice of Petition Filed with the Commissioner of Transportation Regarding Removal of Railroad Trackage in Carver, Minnesota**

Notice is hereby given that the Chicago & North Western Transportation Company, 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1976) (as amended) and § 218.041, subd. 3 (10) (1976) (as amended) to retire and remove ICC track No. 46, 1,247 feet long including turnout located at Carver, Minnesota.

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before October 24, 1977. The objection should state specifically how the objector's interest will be adversely affected by the proposed action. Upon receipt of a written objection the Commissioner will, with respect to the named petitioner, set the matter down for hearing. The Commissioner may also elect to hold a contested case hearing if no objections to the petition or application are received in matter.

If this matter is set for hearing, an objecting party will be required to file a notice of appearance and petition for intervention to become a party to the proceedings. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington  
Commissioner

### **Notice of Petition Filed with the Commissioner of Transportation Regarding Removal of Railroad Trackage in Hopkins, Minnesota**

Notice is hereby given that the Chicago & North Western Transportation Company, 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1976) (as amended) and § 218.041, subd. 3 (10) (1976) (as amended) to retire and remove 559 feet of track including two turnouts, and 160 feet of spur track including one turnout, all located in Hopkins, Minnesota.

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul,

Minnesota 55155, not later than the date specified below. An objection must be received on or before October 24, 1977. The objection should state specifically how the objector's interest will be adversely affected by the proposed action. Upon receipt of a written objection the Commissioner will, with respect to the named petitioner, set the matter down for hearing. The Commissioner may also elect to hold a contested case hearing if no objections to the petition or application are received in matter.

If this matter is set for hearing, an objecting party will be required to file a notice of appearance and petition for intervention to become a party to the proceedings. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington  
Commissioner

### **Notice of Petition Filed with the Commissioner of Transportation Regarding Removal of Railroad Trackage in Minneapolis, Minnesota**

Notice is hereby given that the Chicago & North Western Transportation Company, 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1976) (as amended) and § 218.041, subd. 3 (10) (1976) (as amended) to retire and remove ICC Track No. 107, 268 feet long including turnout, located at Minneapolis, Minnesota.

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before October 24, 1977. The objection should state specifically how the objector's interest will be adversely affected by the proposed action. Upon receipt of a written objection the Commissioner will, with respect to the named petitioner, set the matter down for hearing. The Commissioner may also elect to hold a contested case hearing if no objections to the petition or application are received in matter.

If this matter is set for hearing, an objecting party will be required to file a notice of appearance and petition for intervention to become a party to the proceedings. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington  
Commissioner

## OFFICIAL NOTICES

### **Notice of Petition Filed with the Commissioner of Transportation Regarding Removal of Railroad Trackage in Owatonna, Minnesota**

Notice is hereby given that the Chicago & North Western Transportation Company, 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1976) (as amended) and § 218.041, subd. 3 (10) (1976) (as amended) to retire and remove the westerly 370 feet of ICC track No. 317 at Owatonna, Minnesota.

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before October 24, 1977. The objection should state specifically how the objector's interest will be adversely affected by the proposed action. Upon receipt of a written objection the Commissioner will, with respect to the named petitioner, set the matter down for hearing. The Commissioner may also elect to hold a contested case hearing if no objections to the petition or application are received in matter.

If this matter is set for hearing, an objecting party will be required to file a notice of appearance and petition for intervention to become a party to the proceedings. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington  
Commissioner

### **Notice of Petition Filed with the Commissioner of Transportation Regarding Removal of Railroad Trackage in South St. Paul, Minnesota**

Notice is hereby given that the Chicago & North Western Transportation Company, 4200 IDS Center, 80 - South 8th Street, Minneapolis, Minnesota has filed a petition with the Commissioner of Transportation pursuant to Minn. Stat. § 219.741 (1976) (as amended) and § 218.041, subd. 3 (10) (1976) (as amended) to retire and remove 2,109 feet of ICC track No. 11, with two turnouts located at South St. Paul, Minnesota.

Any person may file a written objection to the proposed action by means of a letter addressed to the Commissioner of Transportation, Transportation Building, Saint Paul, Minnesota 55155, not later than the date specified below. An objection must be received on or before October 24, 1977. The objection should state specifically how the objector's interest will be adversely affected by the proposed action. Upon receipt of a written objection the Commissioner will, with respect to the named petitioner, set the matter down for hearing. The Commissioner may also elect to hold a contested case hearing if no objections to the petition or application are received in matter.

If this matter is set for hearing, an objecting party will be required to file a notice of appearance and petition for intervention to become a party to the proceedings. In the event the objecting party does not do so, or otherwise does not participate in the hearing, the statements contained in the application filed may be taken as true.

Jim Harrington  
Commissioner

### **Errata**

1. 2 S.R. 501, MEQB 72K, change "Right-Of-Way means . . . to "Right-Of-Way" means . . .
2. 2 S.R. 506 MEQB 79A, line 5, change "construction, permit" to "construction permit."
3. 2 S.R. 506, MEQB 82B.2, change "field" to "filed"
4. 2 S.R. 512, MEQB 74A, after the word "following," delete "," and add "."
5. 2 S.R. 517, MEQB 74H.3.a, change "propulation" to "population"
6. 2 S.R. 515, MEQB 76A.2, delete "." and add ";" after "application"
7. 2 S.R. 516, MEQB 78B.2, after "located," delete "," and add ";"
8. 2 S.R. 516, MEQB 79A, line 5, change "construction, permit" to "construction permit."
9. 2 S.R. 517, MEQB 79B.1.a, change "warranty" to "warrant."
10. 2 S.R. 517, MEQB 80A, line 9, change "166C.645" to "116C.645"

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